

# SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

50 California Street • Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3606 • [www.bcdc.ca.gov](http://www.bcdc.ca.gov)

October 5, 2012

**TO:** Agencies and Interested Parties

**FROM:** Lawrence J. Goldzband, Executive Director (415/352-3653 [lgoldzband@bcdc.ca.gov](mailto:lgoldzband@bcdc.ca.gov))  
Page Perry, Coastal Planner (415/352-3641 [pagep@bcdc.ca.gov](mailto:pagep@bcdc.ca.gov))

**SUBJECT:** **Amendments to the Solano County Component of the Suisun Marsh Local Protection Program**

Attached are proposed amendments to Solano County's policies and regulations governing the Suisun Marsh (the Solano County Local Protection Program Component) adopted by the Solano County Board of Supervisors on August 28, 2012. In 2008, the Solano County Board of Supervisors adopted an updated Solano County General Plan that changed many land use designations throughout the county, including the land use designation within the approximately 2,600 acre Collinsville water-related industrial area. In April 2011, BCDC amended the Bay Plan and Suisun Marsh Plan to reduce the size of the Collinsville water-related industrial area, consistent with the County's 2008 General Plan. Since that time, the County has drafted and adopted zoning ordinances to implement its 2008 General Plan. During the past several months, BCDC and County staffs have worked to reconcile the General Plan policies and zoning ordinances with the requirements of the Suisun Marsh Preservation Act and the Suisun Marsh Protection Plan. Solano County has updated its 2008 General Plan and zoning ordinances, completed a new component of the Suisun Marsh Local Protection Program (LPP) (attached), has endorsed the LPP changes, and submitted the updated component to the Commission for its certification.

Pursuant to Section 29418 of the Suisun Marsh Preservation Act (Public Resources Code Section 29000 et seq.) and Commission Regulation Section 11202 (California Code of Regulations, Title 14, Div. 5), these proposed amendments are being distributed to you for review and comment. The Suisun Marsh Preservation Act provides for a review period of not more than sixty (60) days. In this case, the review period will be open for 45 days, to end on November 19, 2012.

After receiving comments, BCDC will provide a staff summary of the proposed amendments, pursuant to Commission Regulation Section 11203, which shall include staff comments, a summary of the environmental documentation, a summary of all comments received through November 19<sup>th</sup>, and a brief response to those comments. This summary will be distributed to Solano County, all affected local governments, agencies, and any persons who have requested the mailing.

The Commission shall then hold a public hearing, scheduled for December 6, 2012, to consider certification of the proposed amendments to the LPP. Thus, you will have an opportunity to comment in writing through November 19, 2012 and then in person at the public hearing on December 6, 2012. After the public hearing, the BCDC staff will prepare a staff recommendation that will include responses to all comments received either in writing or at the public hearing, any necessary revisions, a recommendation for Commission action on the certification, and a draft resolution. The Commission will vote on certification of the LPP amendment at the meeting to be held on January 17, 2013.

Please provide any written comments you may have regarding the proposed amendments and their consistency with the Marsh Act and Plan to Page Perry (415/352-3641; [pagep@bcdc.ca.gov](mailto:pagep@bcdc.ca.gov)) of BCDC staff by November 19, 2012.



*Making San Francisco Bay Better*

## **RESOLUTION NO. 12-170**

### **RESOLUTION OF THE BOARD OF SUPERVISORS OF SOLANO COUNTY ADOPTING THE 2012 AMENDMENT TO THE COUNTY'S COMPONENT OF THE SUISUN MARSH LOCAL PROTECTION PROGRAM**

---

**WHEREAS**, the Suisun Marsh Preservation Act of 1977 requires Solano County to prepare a Solano County Component of the Suisun Marsh Local Protection Program ("County LPP"), which is to include those provisions of the County's General Plan, specific plans, ordinances, zoning maps, land use regulations, and other programs or standards that have been adopted by the County, or are to be undertaken or carried out by the County in and adjacent to the Suisun Marsh, and which implement the Act and the Suisun Marsh Protection Plan at the County level; and

**WHEREAS**, on May 20, 1980, through its Resolutions Nos. 80-78 and 80-79, the Board of Supervisors adopted the County LPP and transmitted that component to the San Francisco Bay Conservation and Development Commission ("BCDC") for review and certification; and

**WHEREAS**, BCDC conditionally approved the County LPP, subject to a number of conditions for certification, on September 18, 1980; and

**WHEREAS**, on August 31, 1982, through its Resolution No. 82-169, the Board of Supervisors adopted amendments to the County LPP and transmitted the amended component to BCDC for review and certification; and

**WHEREAS**, on November 4, 1982, BCDC unconditionally certified the County LPP, as amended on August 31, 1982; and

**WHEREAS**, on February 2, 1999, through its Resolution No. 99-31, the Board of Supervisors amended the County LPP in connection with the Montezuma Wetlands project, which amendment was certified by BCDC on June 17, 1999; and

**WHEREAS**, the certified County LPP is currently comprised of portions of the County's General Plan and the Solano County Code, including the Zoning Code (Chapter 28), Drainage and Flood Control (Chapter 9), and Grading and Erosion Control (Chapter 31), as existed in 1999; and

**WHEREAS**, in 2007, the County repealed Chapter 9 of the Solano County Code, consolidating the provisions of that chapter into a revised Chapter 31 (Grading, Drainage, Land Leveling, and Erosion Control) of the County Code; and

**WHEREAS**, in 2008, the County adopted a comprehensive update to the Solano County General Plan, superseding most elements of the prior general plan; and

**WHEREAS**, in February 2012, the County adopted a comprehensive update to Chapter 28 of the County Code, repealing the prior version of that chapter; and

**WHEREAS**, Solano County General Plan Implementation Program RS.I-12, calls for a program to review and update the County LPP to reflect new policies and programs in the 2008 Solano County General Plan and other updates to policies, programs, and regulations contained in the currently-certified version of that component; and

**WHEREAS**, a Draft 2010 Amendment to the County LPP was prepared and distributed for public review and comment in June 2010; and

**WHEREAS**, the County held two publicly noticed community meetings, providing opportunity for the public to review and comment on the Draft 2010 Amendment to the County LPP, and the amendment was provided to the Benicia, Cordelia, Fairfield, and Suisun City public libraries and posted on the internet; and

**WHEREAS**, after June 2010, the scope of the Draft 2010 Amendment was reduced to address only adoption of County Code amendments consolidating Chapters 9 and 31 into a revised Chapter 31 and adoption of Chapter 6.4 of the County Code regulating sewage disposal systems; and

**WHEREAS**, the Board conducted a public hearing on the Draft 2010 Amendment to the County LPP on August 24, 2010, having given 30 day public notice to BCDC, all entities having components of the Local Protection Program, and to the public; and

**WHEREAS**, on August 24, 2010, the Board adopted the 2010 Amendment to the County LPP and Findings of Consistency between Provisions of the Suisun Marsh Protection Act and Existing County Policy, and authorized submittal of the Amendment to BCDC for its review and certification; and

**WHEREAS**, the adopted 2010 Amendment to the County LPP is still pending before BCDC and, pursuant to Section 29419(a) of the Suisun Marsh Preservation Act, the version of the County LPP in effect at this time is the version certified by BCDC in 1999; and

**WHEREAS**, amending the County LPP to reflect the changes to the water dependent industrial and commercial recreation land use designations adopted as part of the Solano County 2008 General Plan first required an amendment to the San Francisco Bay Plan and Suisun Marsh Protection Plans in the Collinsville area; and

**WHEREAS**, on August 24, 2010, the Board authorized the County Administrator to transmit an application to the San Francisco Bay Conservation and Development Commission to amend the San Francisco Bay Plan and Suisun Marsh Protection Plan; and

**WHEREAS**, on July 7, 2011, BCDC approved amendments to its San Francisco Bay Plan and Suisun Marsh Protection Plan to modify the boundaries of the waterrelated industrial priority use designation at Collinsville, thereby reconciling prior inconsistencies between the Commission's two plans and the County's 2008 General Plan; and

**WHEREAS**, following BCDC's approval of its plan amendments, a Draft 2012 Amendment to the County LPP was prepared and distributed by the Department of Resource Management for public review and comment; and

**WHEREAS**, the Draft 2012 Amendment addresses adoption of the 2008 General Plan update, adoption of Zoning Code Text amendments addressing Definitions, Limited Agriculture District, Residential Traditional Community District, Commercial Recreation District, Water Dependent Industrial District, and Land Use Regulations; further amending Chapter 31 addressing

grading, drainage, land leveling and erosion control; replacing Chapter 6.4 of the County Code regulating sewage disposal systems with revisions to County policy regulating sewage disposal systems within the Suisun Marsh; and amending the Zoning maps relating to the Water Related Industrial Reserve Area around Collinsville and in secondary management area consistent with the 2008 General Plan; and

**WHEREAS**, the Draft 2012 Amendment, as prepared by the Department of Resource Management, was formatted as complete County LPP document that would supersede all prior versions of the County LPP, although numerous policies and regulatory provisions in the Draft 2012 Amendment simply carried forward policies and regulatory provisions contained in the current County LPP, reformatted without substantive amendment; and

**WHEREAS**, in the Draft 2012 Amendment circulated for public comment prior to consideration by the Solano County Planning Commission, the Department proposed that the policy in the current County LPP addressing commercial wind energy development in the Suisun Marsh be substantively updated; and

**WHEREAS**, the Planning Commission conducted a noticed public hearing on the Draft 2012 Amendment on June 21, 2012, and made its recommendation to the Board of Supervisors; and

**WHEREAS**, the Planning Commission recommended that the Board of Supervisors adopt the Draft 2012 Amendment as prepared by the Department, except that the existing County LPP policy for commercial wind energy development in the Suisun Marsh, which was adopted by the Board on August 3, 1982, through Resolution No. 82-139 and was certified as part of the County LPP by BCDC on November 4, 1982, should be included as Policy SM-P 35 of Chapter 12 of the General Plan and retained as an existing policy of the County LPP without amendment; and

**WHEREAS**, the Board conducted a public hearing on the Draft 2012 Amendment on August 28, 2012, having first given 30 day public notice to BCDC, all entities having components of the Local Protection Program, and to the public; and

**WHEREAS**, the Board has reviewed the staff report of the Department of Resource Management, the recommendation of the Planning Commission, and heard and considered all comments regarding all elements of the project, including both the proposed substantive amendments to the County LPP and the substantive retention of various policies and regulatory provisions of the current County LPP; and

**WHEREAS**, the Board finds that the proposed 2012 Amendment of the County LPP, as recommended by the Planning Commission, conforms to the Suisun Marsh Protection Plan and the Suisun Marsh Preservation Act of 1977; and

**WHEREAS**, a Negative Declaration has been prepared and circulated for the proposed project. Prior to reviewing the project, the Board considered the Negative Declaration together with any comments received during the public review process. The Board finds on the basis of the Initial Study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment.

**RESOLVED**, the Board of Supervisors of the County of Solano does hereby adopt the 2012 Amendment of the Solano County Component of the Suisun Marsh Local Protection Program as recommended by the Planning Commission, attached hereto as Exhibit 1 and as supplemented to reflect all actions taken by the Board of Supervisors on this date, and directs the Director of the Department of Resource Management to format the amended County LPP as necessary.

**RESOLVED**, the Board of Supervisors directs the Director of the Department of Resource Management to notify the San Francisco Bay Conservation and Development Commission that the 2010 Amendment to the County LPP has been superseded and should no longer be reviewed and considered by the Commission for certification.

**RESOLVED**, the Board of Supervisors directs the Director of the Department of Resource Management to submit the amended County LPP to the San Francisco Bay Conservation and Development Commission for its review and certification.

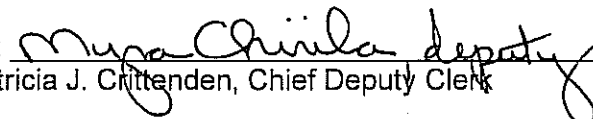
\*\*\*\*\*

Passed and adopted by the Solano County Board of Supervisors on August 28, 2012 by the following vote:

AYES:	Supervisors	<u>Reagan, Spering, and Vasquez.</u>
NOES:	Supervisors	<u>Kondylis, and Chair Seifert.</u>
EXCUSED:	Supervisors	<u>None.</u>

  
\_\_\_\_\_  
Linda J. Seifert, Chair  
Solano County Board of Supervisors

ATTEST:  
Birgitta E. Corsello, Clerk  
Board of Supervisors

By:   
\_\_\_\_\_  
Patricia J. Crittenden, Chief Deputy Clerk

# **SOLANO COUNTY COMPONENT OF THE SUISUN MARSH LOCAL PROTECTION PROGRAM**

**Amended August 28, 2012**

# **TABLE OF CONTENTS**

## **Summary of the Solano County Component**

<b>Introduction</b>	<b>4</b>
<b>Suisun Marsh Preservation Act Requirements</b>	<b>4</b>
<b>Original Solano County Component</b>	<b>5</b>
<b>August 2010 Amendment to the Solano County Component</b>	<b>6</b>
<b>San Francisco Bay Plan and Suisun Marsh Protection Plan Amendments</b>	<b>6</b>
<b>2012 Amendment to the Solano County Component of the LPP</b>	<b>6</b>
<b>Revisions to Solano County General Plan Policies</b>	<b>7</b>
<b>Revisions to Chapter 28, Zoning</b>	<b>10</b>
<b>Revision to Chapter 31, Grading, Drainage, Land Leveling and Erosion Control</b>	<b>13</b>
<b>Consistency between Provisions of the Suisun Marsh Protection Act and Existing County Policy</b>	<b>16</b>

## **The Solano County Component**

### **Part I Solano County General Plan**

<b>A. Chapter 2 – Land Use</b>	<b>19</b>
<b>B. Chapter 4 – Resources</b>	<b>25</b>
<b>C. Chapter 8 – Public Facilities and Services</b>	<b>27</b>
<b>D. Chapter 12 – Suisun Marsh Local Protection Program Policies</b>	<b>28</b>

<b>Part II</b>	<b>Solano County Code, Portions of Chapters 28 and 31</b>	
A.	Section 28.01, Definitions	49
B.	Section 28.22, Suisun Marsh Agricultural (A-SM) Districts	50
C.	Section 28.32, Residential Traditional Community (R-TC-4) District	56
D.	Section 28.41, Commercial Recreation Limited (C-R-L) District	64
E.	Section 28.42, Water Dependent Industrial (I-WD) District	69
F.	Section 28.52, Marsh Preservation (MP) District	76
G.	Section 28.78, Land Use Regulations for Infrastructure Uses	82
H.	Section 28.104, Marsh Development Permits	83
I.	Sections 31-20, 31-30, and 31-40	88
<b>Part III</b>	<b>Figures – Existing Zoning and Figures from Solano County General Plan and Solano County Code</b>	
1.	Existing Zoning Districts Suisun Marsh	91
2.	Figure RS-3, Delta and Marsh Protection Areas	92
3.	Figure SM-1 County View Suisun Marsh	93
4.	Figure SM-2 Suisun Marsh Management Area	94
5.	Figure SM-3 General Plan Land Uses Suisun Marsh	95
6.	Adopted Protected Channels of the Suisun Marsh Watershed	96



# **Summary of the Solano County Component**

## **Introduction**

The Suisun Marsh represents an area of significant aquatic and wildlife habitat and is an irreplaceable and unique resource to the residents of Solano County, the State and Nation. The Suisun Marsh consists of approximately 85,000 acres of tidal marsh, managed wetlands and waterways, as well as adjacent lowland and upland grassland areas, in southern Solano County. It is the largest remaining wetland around San Francisco Bay and comprises about ten percent of California's remaining wetland area. The Marsh is also a wildlife habitat of nationwide importance in that it provides wintering habitat for waterfowl of the Pacific Flyway. Because of its size and estuarine location, it supports a diversity of plant communities that provide habitats for a variety of fish and wildlife, including several rare and endangered species.

Pursuant to the Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act of 1974, the San Francisco Bay Conservation and Development Commission (BCDC) prepared the Suisun Marsh Protection Plan for the orderly and long-range conservation, use, and management of the natural, scenic, recreational, and man-made resources of the Marsh. The Suisun Marsh Protection Plan contained a series of recommendations that required implementation by the Legislature. In brief, the Plan proposed (1) a primary management area encompassing tidal marshes, managed wetlands, adjacent grasslands, and waterways, and (2) a secondary management area of significant buffer lands. The Plan defined the "Suisun Marsh" as including both of these management areas, as shown on the Suisun Marsh Protection Plan Map. Under specific guidelines for each management area, the County would be responsible for preparing and administering a local protection program. BCDC would represent the state's interests, serving as the land use permitting agency for major projects in the primary management area, and as an appellate body with limited functions in the secondary management area. The Plan defined the "watershed" as the area immediately upland from the secondary management area of the Marsh, including those streams and adjacent riparian areas that are tributary to, or flow into, the Marsh. The Plan sought to ensure that further development outside the Marsh but within the watershed would not adversely affect water quality within the Marsh due to sedimentation and increased urban runoff.

## **Suisun Marsh Preservation Act Requirements**

In 1977, the California State Legislature enacted the Suisun Marsh Preservation Act (Marsh Act; Public Resources Code, § 29000 et seq.), which implements the recommendations contained in the Suisun Marsh Protection Plan. The Marsh Act defines the boundaries of the Suisun Marsh and establishes primary and secondary management areas within the Marsh.

The majority of the Suisun Marsh lies under the jurisdiction of Solano County. Other local governmental agencies having jurisdiction within the Marsh include the cities of Benicia, Fairfield, Suisun City, the Solano County Local Agency Formation Commission, the Solano County Mosquito Abatement District, and the Suisun Resource Conservation District. Under the provisions of the Marsh Act, Solano County and each of these other agencies is required to bring its general and specific plans, ordinances and zoning maps, land use regulations, and other

related standards and controls into conformity with the provisions of the Marsh Act and the Suisun Marsh Protection Plan. The combination of all such land use and development policies, standards, and controls adopted by all of these agencies constitutes the Local Protection Program (LPP), while the controls adopted by an individual agency constitutes that agency's component of the LPP.

As described in the Suisun Marsh Protection Plan, the LPP is to include development controls designed to meet the following objectives:

- (a) Protection of tidal and seasonal marshes, managed wetlands, sloughs, bays, and waterways within or tributary to the Suisun Marsh;
- (b) Protection of those agricultural lands both within and adjacent to the Suisun Marsh necessary to ensure that current agricultural uses within the Marsh remain economically feasible for as long as possible;
- (c) Erosion, sediment, and run-off controls in the secondary management area of the Suisun Marsh and the watershed;
- (d) Controls on creek side developments that would protect riparian habitat and the Suisun Marsh from increased siltation and water run-off caused by waterway modification along and immediately adjacent to waterways flowing into the Marsh;
- (e) Assurance of the maximum beneficial use of deep water industrial and port areas near Collinsville; and
- (f) Procedures and standards to review the design and location of any new development or structures in and adjacent to the Suisun Marsh to protect the visual characteristics of the Marsh and, where possible, enhance views of the Marsh.

The Marsh Act required each agency other than the Suisun Resource Conservation District (SRCD) to prepare and submit its proposed component of the LPP to the County. If the County determined that an agency's proposed component did not conform to Marsh Act and the Suisun Marsh Protection Plan, the County was to advise the agency of changes necessary to bring the proposed component into conformity. The County was then to compile all agency components, other than SRCD's component, into a single LPP that it would then submit to BCDC for certification. SRCD was to submit its component directly to BCDC for certification. Alternatively, if an agency was late in preparing its proposed component, the County was to submit a partial LPP to BCDC for certification.

## **Original Solano County Component**

Not all agencies completed preparation of their components at the same time. In April 1980, the County submitted to BCDC for certification the components prepared by the Local Agency Formation Commission, the Mosquito Abatement District, and the City of Fairfield. These three components were collectively referred to as Part 1 of the Suisun Marsh LPP.

In May 1980, Solano County submitted its component to BCDC as Part 2 the Suisun Marsh LPP. On September 18, 1980, BCDC approved the County component subject to a number of conditions. The County prepared amendments to meet BCDC conditions of approval and these were submitted on August 31, 1982. BCDC certified the County's component on November 4, 1982. In 1999, Solano County amended its component of the LPP to incorporate provisions addressing wetland restoration in the Collinsville area. These amendments were certified by BCDC on June 17, 1999.

## **August 2010 Amendment to the Solano County Component of the LPP**

On August 24, 2010, the Solano County Board of Supervisors approved the 2010 Amendment to its component of the Suisun Marsh Local Protection Program (LPP) to incorporate Solano County Code provisions relating to sewage standards (Chapter 6.4) and grading, drainage, land leveling, and erosion control (Chapter 31), which have been amended since the County last updated its component of the LPP. The County recognized at that time that additional portions of its component of the LPP needed to be updated due to the County's adoption of a new General Plan in 2008 as well as the adoption of other regulatory amendments. The County stated that it proposed to further amend its component of the LPP upon approval by BCDC of the proposed San Francisco Bay Plan and Suisun Marsh Protection Plan amendments to reflect these additional changes.

## **San Francisco Bay Plan and Suisun Marsh Protection Plan Amendments**

On August 24, 2010, the Board of Supervisors authorized the submittal of an application to amend the San Francisco Bay Plan (Bay Plan) and Suisun Marsh Protection Plan (Marsh Plan) and Resolution 16 to modify the boundaries of the water-related Industrial priority use designation at Collinsville to reconcile inconsistencies between the Commission's Bay Plan and Marsh Plan and the County's 2008 General Plan. On July 7, 2011, the Commission approved the proposed amendments.

## **2012 Amendment to the Solano County Component of the LPP**

On August 28, 2012, the Solano County Board of Supervisors approved the 2012 Amendment to the Solano County component of the Suisun Marsh Local Protection Program. As part of this amendment, the proposed 2010 Amendment has been modified and incorporated fully into this amendment.

### **Solano County Component of the LPP, as Amended August 28, 2012**

1. Solano County General Plan
  - a. Chapter 2, Land Use (excerpt)
  - b. Chapter 4, Resources (excerpt)
  - c. Chapter 8, Public Facilities and Services (excerpt)

- d. Chapter 12, Suisun Marsh Local Protection Program Policies, Including Policies Regulating Sewage Disposal Systems (full chapter)
2. Solano County Code
- a. Chapter 28, Zoning (excerpts)
    - i. Section 28.01, Definitions (excerpt)
    - ii. Section 28.22, Suisun Marsh Agricultural (A-SM) Districts (full section)
    - iii. Section 28.32, Residential-Traditional Community Districts (portion of section applicable to R-TC-4 District)
    - iv. Section 28.41, Commercial Districts (portion of section applicable to Commercial Recreation – Limited (C-R-L) District)
    - v. Section 28.42, Manufacturing Districts (portion of section applicable to Water Dependent Industrial (I-WD) District)
    - vi. Section 28.52, Marsh Preservation (MP) District (full section)
    - vii. Section 28.78, Land Use Regulations for Communication and Infrastructure Uses (excerpts)
    - viii. Section 28.104, Marsh Development Permit (full section)
  - b. Chapter 31, Grading, Drainage, Land Leveling, and Erosion Control (excerpt)
3. Figures
- a. Figure RS-3, Delta and Marsh Protection Areas (General Plan, Chapter 4)
  - b. Figure SM-1, Current View Suisun Marsh (General Plan, Chapter 12)
  - c. Figure SM-2, Suisun Marsh Management Areas (General Plan, Chapter 12)
  - d. Figure SM-3, General Plan Land Uses Suisun Marsh (General Plan, Chapter 12)
  - e. Existing Zoning Districts, Suisun Marsh (compiled from Code, Chapter 28)
  - f. Adopted Protected Channels of the Suisun Marsh Watershed (Code, Chapter 31)

## Revision to Solano County General Plan Policies (Part I)

The Suisun Marsh Preservation Act of 1977 requires to the County as part of its LPP to include:

“Any amendments to general or specific plans applicable to any area within the marsh necessary to bring such plans into conformity with this division and the policies of the protection plan.” (Section 29401(a))

In 1980, the County adopted amendments to the Land Use and Circulation Element, Resource Conservation and Open Space Elements, Collinsville Montezuma Hills Area Plan and Program, Scenic Roadways Element and Health and Safety Element to establish and bring into conformity general plan and area plan policies with Suisun Marsh Protection Plan biologic resources wildlife habitat management and preservation; agriculture; water quality; natural gas; utilities, facilities and transportation; and recreation and marsh access policies.

As part of the 2012 Amendment, the General Plan provisions in the LPP have been updated to incorporate provisions from the General Plan adopted in 2008 as well as a new Chapter 12, Suisun Marsh Local Protection Program Policies, added to the General Plan in 2012. The 2008 revision of the Solano County General Plan updated county policies and programs and

consolidated individual general plan elements into a single integrated document. Changes affecting the LPP Included (1) updates to the County policies previously incorporated in the LPP and (2) changes to the land use designations in the Collinsville area.

The General Plan provisions for the LPP are shown in Part I. The following summarizes the changes.

#### **Chapter 2 – Land Use (Part I-A)**

The Land Use chapter contains new land use descriptions for water bodies and courses, park and recreation, marsh, agriculture, public/quasi-public, traditional community - residential, commercial recreation and water dependent industrial land use designations which have been applied to the Suisun Marsh Management Area. The chapter incorporates provisions of the Orderly Growth Initiative which limits redesignation under the General Plan of agricultural and marsh land use designations to other land uses.

A special study was conducted in the Collinsville area as part of the General Plan update through a community based planning program. The recommendations of the special study have been incorporated in Chapter 2. They provide a policy framework for the land use changes in the Collinsville area, including the Water Related Industry Reserve Area under the Suisun Marsh Protection Plan, and for updating the Collinsville-Montezuma Hills Area Plan and Program.

#### **Chapter 4 – Resources (Part I-B)**

This chapter describes the Suisun Marsh and summarizes the County's Suisun Marsh LPP. Figure RS-3 Delta and Marsh Protection Areas reflects the BCDC Suisun Marsh Protection Plan and San Francisco Bay Plan map amendments to the Water Related Industrial Reserve area.

#### **Chapter 8 – Public Facilities and Services (Part I-C)**

This chapter includes a new policy addressing the Public/ Quasi-public land use designation applied to the Potrero Hills Landfill within the secondary management area of the Suisun Marsh.

#### **Chapter 12 – Suisun Marsh Local Protection Program Policies (Part I-D)**

This Chapter consolidates all of the General Plan policies addressing the Suisun Marsh into one chapter of the General Plan. LPP General Plan policies were previously located in several elements of the General Plan including Land Use and Circulation Elements, Resource Conservation and Open Space Elements, Collinsville Montezuma Hills Area Plan and program, Scenic Roadway Element, and Health and Safety Element. General Plan policies governing the Suisun Marsh which were previously incorporated into the Solano County component of the LLP and certified by BCDC have been incorporated into Chapter 12. They include policies addressing biologic resources; wildlife habitat management and preservation; agriculture; water quality; natural gas; utilities, facilities and transportation; and recreation and marsh access. Minor revisions have been made to some policies for clarification and consolidation. The Collinsville-Montezuma Hills Area Plan and Program is no longer part of the General Plan and these water dependent industrial policies have been deleted and replaced with water related industrial policies from the Suisun Marsh Protection Plan.

Policies governing sewage disposal systems have been updated and incorporated into Chapter 12 to reflect sewage disposal requirements adopted by the County under County Code Section 6.4, Sewage Disposal Standards, in 2001 and amended in 2004.

Portions of the Marsh Act and Suisun Marsh Protection Plan are directed toward maintenance of water quality through controls on individual sewage disposal systems, currently a responsibility of the Solano County Department of Resource Management, Environmental Health Services Division. The Marsh Act provides that with the Marsh, the LPP shall include enforceable standards of the operation of septic tanks and wastewater discharges. The basis for this requirement is Policy No. 5 of the Utilities, Facilities and Transportation Section of the Suisun Marsh Protection Plan, which states;

5. Because septic tanks do not function properly in the wetland area, the Solano County Department of Public Health should institute a program to close out existing tanks in the wetlands and require new systems that would properly dispose of wastes as required by the Solano County Health Department and the Regional Water Quality Control Board.

In 1975, Solano County enacted an ordinance (No. 888) to regulate individual sewage disposal systems. This ordinance, which was approved by the San Francisco Regional Water Quality Control Board, controlled the installation and operation of septic tank/leachfield systems within the Suisun Marsh. Ordinance 888 required the Solano County Department of Public Health to inspect waste disposal systems in the County every five years, or more frequently in areas determined to be susceptible to septic tank failure. Where a system was found to be malfunctioning, a program and timetable were established to correct the malfunction.

Due to staff shortages during the time when the County originally adopted its component of the LPP, the Health Department was not then able to pursue its inspection program as vigorously as it would have liked. Instead, the Health Department responded to specific requests of owners of property in the Marsh to improve systems and worked with these people to alleviate problems. As a result, the Board of Supervisors adopted Resolution No. 80-26 in April 1980, which established a set of policies for inspection of septic systems, and replacement or abatement of nuisance systems, in the Marsh.

In July of 2001, revisions to Solano County Code were approved as Chapter 6.4, Sewage Disposal Standards. These standards were amended again in December of 2004 and are applicable within the Suisun Marsh.

Under Chapter 6.4, a permit from the Health Services Division is required to repair, modify or construct waste disposal systems. Minimum criteria for the siting and construction of a septic tank/leachfield system includes soil typing and identification, percolation rate, soil depth, depth and separation to ground water, ground slope, and adherence to setbacks, including setbacks to surface water. The use of vaults or holding tanks is allowed for specific circumstances such as for duck clubs in the primary area of the Suisun Marsh. Additional changes in the ordinance which help to improve environmental conditions include requirements for site evaluations by professional consultants to identify and mitigate separation to groundwater and the requirement for alternative type septic systems. Alternative systems provide improved effluent distribution throughout the disposal field, have high-level alarms in the dosing tank, require evidence of a maintenance contract with a service provider and ongoing monitoring, and may require pre-treatment devices that produce a higher quality effluent than effluent from conventional septic systems.

As indicated in the Marsh Plan, septic tank/leachfield systems do not operate at optimum efficiency in wetland areas and in general, site conditions for the primary marsh will not meet minimum requirements for the construction of a new standard type on-site sewage disposal system. Under Chapter 6.4, once an improper sewage disposal system is identified, it must be replaced with an on-site sewage disposal system that meets the requirements of Solano County Code. Sites which can not accommodate a conventional in-ground leaching system due to site conditions may be replaced with alternative type sewage disposal systems if conditions allow, or, as a last resort replaced with holding tanks.

The policies regulating sewage disposal in the Suisun Marsh have been updated to reflect the new standards and requirements contained in Chapter 6.4 and have been added to the new Chapter 12 of the General Plan.

## **Revision to Chapter 28, Zoning (Part II-A through II-H)**

The Suisun Marsh Preservation Act of 1977 requires to the County as part of its LPP to included:

"Zoning ordinances or zoning district maps, or both, designating principal permitted uses on lands within the marsh, which ordinances or maps shall designate the existing agricultural and wildlife habitat uses of such lands a principal permitted uses of such lands." (Section 29401 (e))

The County's current component of the LPP contained three zoning districts from the Solano County Code Chapter 28, Zoning: Limited Agricultural (A-L) Districts, Water Dependent Industrial (IWD) Districts, and Marsh Preservation (MP) Districts.

The A-L District was created to address land uses within the Secondary Management area consistent with the following Marsh Protection Plan policy.

### **Environmental Policies**

3. Existing uses should continue in the upland grasslands and cultivated areas surrounding the critical habitats of the Suisun Marsh in order to protect the Marsh and reserve valuable marsh-related wildlife habitats. Where feasible, the value of the upland grasslands and cultivated lands as habitat for marsh-related wildlife should be enhanced

The MP District to address land uses within the Primary Management area consistent with the following Suisun Marsh Protection Plan Policy.

### **Environmental Policies**

2, The Marsh waterways, managed wetlands, tidal marshes, seasonal marshes, and low-land grasslands are critical habitats for marsh-related wildlife and are essential to the integrity of the Suisun Marsh. Therefore, these habitats deserve special protection.

The I-WD district addressed land uses within the Water Related Industrial Reserve area within the Secondary Management Area at Collinsville consistent with the following Suisun Marsh Protection Plan.

### **Water-Related Industry**

Policies 1 through 8 address water -related industries in the Collinsville area. the I-WD zoning district is consistent with these policies and the Suisun Marsh Protection Plan Amendment 10-1 including:

1. The upland portion of the Collinsville site, above the 10 foot contour line, presents no significant physical constraints for development and should be reserved for water-related industry use.
2. The low-lying portion of the Collinsville site, below the 10 foot contour line, does present physical constraints for development and consists of critical Marsh-originated wildlife habitats. Nevertheless, the portion of this area that fronts on deep water should be reserved for water-related industry uses.

The LPP also contains zoning code provisions for the issuance of Marsh Development Permits.

The 2012 Amendment contains the following revisions to Chapter 28, Zoning:

#### **Definitions (Part II-A)**

Definitions for Complementary Commercial Facilities, Hunting and Fishing Club, and Marsh Oriented Recreation have been added to the zoning code. These are shown in Part II-A.

#### **Suisun Marsh Agricultural District (A-SM) District (Part II-B)**

The title of the Limited Agriculture (AL) District has been changed to Suisun Marsh Agricultural (A-SM) District. The zoning regulations applicable to the revised district are shown in Part II-B. Changes to the District text include reformatting of the chapter consistent with the new zoning code and providing clearer definitions and standards addressing agriculture, marsh oriented recreation, and non-conforming uses within the Suisun Marsh. Agricultural Processing has been deleted from the district. Agricultural and marsh education and research facilities, and conservation and mitigation banks, have been added to the District. Non-conforming Use provisions have been added consistent with the Suisun Marsh Preservation Act.

#### **Residential - Traditional Community (R-TC-4) District (Part II-C)**

The County has adopted a new zoning district, Residential-Traditional Community (R-TC), to replace the Suburban Residential and Urban Residential zoning districts. A new R-TC-4 classification has been added to the LPP as shown in Part II-C and applied to the existing residential area of the Collinsville Township. The Collinsville Township was previously zoned A-20, Exclusive Agriculture. The establishment and application of this new zoning district is consistent with the new Traditional Community-Residential designation under the General Plan and reflects the residential character of the area. R-TC-4 establishes new setback standards and a 4,000 square foot parcel size which is more consistent with the existing parcel sizes in Collinsville than the standards provided under the prior A-20 district. Non-conforming Use provisions have been added consistent with the Suisun Marsh Preservation Act.

#### **Commercial Recreation - Limited (C-R-L) District (Part II-D)**

A new Commercial Recreation - Limited (CR-L) zoning district has been established as shown in Part II-D. This classification has been applied to the Commercial Recreation area in the Collinsville area within the Suisun Marsh. The C-R-L district includes provisions for outdoor recreation, marinas, interpretive centers, stables, boating and fishing clubs and ecological and



agricultural education uses. Non-conforming Use provisions have been added consistent with the Suisun Marsh Preservation Act and the following Suisun Marsh Protection Plan policies:

#### Recreation and Access

3. Land should also be purchased for public recreation and access to the Marsh for such uses as fishing boat launching and nature study. These areas should be located on the outer portions of the Marsh near the population centers and easily accessible from existing roads. Improvements for public use should be consistent with protection of wildlife resources.
4. Public agencies acquiring land in the Marsh for public access and recreational use should provide for a balance of recreational needs by expanding and diversifying opportunities for activities such as bird watching, picnicking, hiking and nature study.

#### **Water Dependent Industrial (I-WD) District (Part II-E)**

As part of the County's zoning code update, the I-WD district has been reformatted as shown in Part II-E. No changes to the allowed and permitted uses are proposed for the I-WD District. This district will be reviewed and updated at a later date as part of a new specific plan or policy plan for the Collinsville area as required under the General Plan. Non-conforming Use provisions have been added consistent with the Suisun Marsh Preservation Act.

#### **Marsh Preservation (MP) District (Part II-F)**

Changes to the MP District as shown in Part II-F include reformatting the chapter and providing clearer definitions and standards addressing crop production, marsh oriented recreation, complementary commercial facilities, and non-conforming uses within the Suisun Marsh. Non-conforming Use provisions have been added consistent with the Suisun Marsh Preservation Act.

#### **Land Use Regulations (Part II-G)**

As part of County's zoning code update, a new article, Land Use Regulations has been adopted which consolidates in one place the regulations and standards contained in the General Provisions and Exceptions, and Use Permit sections, of the previous Zoning Code. Land Use Regulations for applicable land uses in the Suisun Marsh have been incorporated into the LPP. The utility provisions have been clarified.

#### **Marsh Development Permit (Part II-H)**

The amendments update the Department name and clarify the County's process for approving marsh development permits. Information required as part of a Marsh Development application has also been clarified, along with revisions to bring consistency between Marsh Development Permit and Use Permit provisions of the zoning code.

## **Revision to Chapter 31, Grading, Drainage, Land Leveling, and Erosion Control (Part II-I)**

Chapter 9, Drainage and Land Leveling (previously titled Drainage and Flood Control), and Chapter 31, Grading and Erosion Control, of the Solano County Code were updated and consolidated into a single revised Chapter 31 of the Solano County Code in 2007. Minor clarifying amendments were adopted in 2012. Portions of the new Chapter 31, Grading, Drainage, Land Leveling and Erosion Control, are included as Part II-I of this Amendment.

The primary reason for modifying the County's grading and drainage ordinances was to bring those ordinances into conformance with the County's NPDES (National Pollution Discharge Elimination System) permit requirements. This permit, regulated by the Regional Water Quality Control Boards, is part of the national effort to improve water quality under the Federal Clean Water Act, and requires the County to prepare a Storm Water Management Plan. The technical changes accomplished by the ordinance amendment allowed the County's Storm Water Management Plan to be more effective, allowing for better compliance with the NPDES permit. In addition, there were a number of technical changes to make the County's grading regulations consistent with the Uniform Building Code and with grading ordinances from other public agencies.

The Marsh Act requires that the LPP include enforceable standards for development designed (1) to minimize soil erosion, especially during construction in areas of soil instability, (2) to require special provisions for surface and subsurface drainage, (3) to ensure that grading restores, rather than disrupts, natural patterns and volumes of surface runoff, and (4) to limit construction of impermeable surfaces over naturally permeable soils and geologic areas, all to control erosion, sedimentation, and runoff within the marsh. In addition, the LPP must include enforceable standards for development adjacent to creeks and watercourses to protect riparian habitat and to prevent waterway modification or vegetation removal that increases sedimentation or runoff in or into the marsh, to an extent that a significant, adverse environmental impact will occur in the marsh. These enforceable standards are to be applicable both within the Marsh and within the watershed. For that portion of the secondary management area west of State Highway Route 680 and outside the city limits of the City of Fairfield as of January 1, 1977, the LPP may include only County ordinances that control grading, erosion, sediment, runoff, and creek side development.

The Suisun Marsh Protection Plan found that the fresh water habitats in streams tributary to the Marsh are important to the continued high quality of water in the Marsh sloughs. Tributary streams such as American Canyon and Jameson Canyon Creeks support important riparian vegetation along their banks. This vegetation helps to retain proper water temperatures in the stream channels and filter sediments that would be carried into the Marsh sloughs. It also provides an important habitat for Marsh wildlife, particularly birds, as well as insects and algae that are food for larger aquatic life. Tributary streams such as Suisun, Green Valley, and McCoy Creeks are also important for migratory fish that spawn upstream from the Marsh.

The Suisun Marsh is located where the salt water of the Pacific Ocean and the fresh water of the Sacramento and San Joaquin River Delta meet and mix. Because of its location, it provides a transition between salt and fresh water habitats that creates the unique diversity of fish and wildlife habitats characteristic of a brackish marsh. Changes in land use in the watershed

outside the Suisun Marsh could adversely affect water quality in the Marsh through changes in turbidity, temperature or pollution levels.

The watershed of the Suisun Marsh is also directly related to the protection of the aquatic and wildlife resources of the Marsh. In particular, land uses in the watershed can affect water quality and supply. Activities such as improper grading during development, over-grazing, and construction on steep slopes or highly erodible soils can lead to the transfer of soil materials to fresh water streams and ultimately to the Marsh. Moreover, riparian vegetation along tributary streams is important habitat to many species of Marsh wildlife and helps to maintain water quality in streams and sloughs. To adequately protect the Marsh, control over runoff, erosion, and sediment transfer are necessary in the Immediate Marsh watershed. In addition, controls limiting disruption of riparian vegetation and habitat are necessary.

The Water Supply and Quality section of the Suisun Marsh Protection Plan made the following findings regarding the need to regulate grading and development practices within the Watershed in order to protect water quality within the Marsh:

12. The Fairfield-Suisun groundwater basin drains into the Marsh by subsurface flow and provides fresh water mixing and flushing action. It is recharged with fresh water runoff from the watershed by percolation on the Suisun Valley floor and along the stream channels. Any disruption or impedance of runoff and streamflow such as might occur from stream channelization or further upstream diversions within the watershed may adversely affect the function of the groundwater basins and their relationship with the Marsh. Additionally, any substantial removal of groundwater by pumping or subsurface drainage could interrupt natural subsurface discharges into the fresh water aquifers.

13. Waste water flowing into the Suisun Marsh area that can affect water quality comes from four principal sources: municipal sewage treatment plants, industrial discharges, agricultural return, and stormwater runoff from the watershed. The present level of wastewater discharge to the Suisun Marsh does not appear to have seriously affected the ability of the Marsh to support desired fish and wildlife species.

14. The existing level of turbidity in the Marsh sloughs and bays is an important element of water quality in the Marsh. Changes in the amount of sediments in the water could have adverse effects on fish and wildlife populations. Increased sedimentation caused by soil erosion into tributary streams in the watershed would increase turbidity and reduce light penetration into the water. This could be detrimental to phytoplankton populations which form the basis of the aquatic food chain.

Based on these findings regarding how grading and development practices outside the Marsh but within the watershed could impact water quality within the Marsh, the Water Supply and Quality section of the Suisun Marsh Protection Plan established the following policy:

7. Disruption or impediments to runoff and stream flow in the Suisun Marsh watershed should not be permitted if it would result in adverse effects on the quality of water entering the Marsh. Riparian vegetation in the Immediate Suisun Marsh watershed should be preserved, and stream modification permitted only if

It is necessary to ensure the protection of life and existing structures from floods. Only the minimum amount of modification necessary should be allowed in such cases. Local runoff, erosion and sediment control ordinances should be established to protect the Marsh from potential adverse impacts.

In addition, the Land Use and Marsh Management section of the Plan established the following policies:

15. Any development in the Suisun Marsh watershed or secondary management area proposed for areas that have poor soil conditions for construction or that are seismically active, should be controlled to prevent or minimize earth disturbance, erosion, water pollution, and hazards to public safety. Local runoff, erosion, and sediment control ordinances should be established in the immediate Suisun Marsh watershed to protect the Marsh from these potential adverse effects.

16. Riparian vegetation in the immediate Suisun Marsh watershed should be preserved due to its importance in the maintenance of water quality and its value as Marsh-related wildlife habitat. Stream modification should only be permitted if it is proved necessary to ensure the protection of life and existing structures from floods and only the minimum amount of modification necessary should be allowed.

The three policies established in the Suisun Marsh Protection Plan have previously been adopted as general plan policies relating to water quality and are part of the County's component of the LPP. Water Quality Policies No. 3, 4, and 6 of the County's component of the LPP are implemented through the County's ordinances controlling grading, drainage, land leveling, and erosion.

Water Quality Policy No. 3 requires controls preventing disruption or impediments to runoff and stream flow outside the Marsh but within the watershed that could adversely affect the quality of waters entering the Marsh, while Water Quality Policy No. 5 requires controls preserving riparian vegetation along tributary streams in the watershed. These types of controls were previously in Chapter 9 at section 9-3(g) of the Solano County Code but have now been moved to Chapter 31 at section 31-20(c)(2). The streams for which modifications may be permitted only if necessary to ensure protection of life and existing structures from floods are specifically identified and delineated on the figure entitled "Protected Channels of the Suisun Marsh Watershed," included as part of the County's component of the LPP in 1982. Because this figure is referenced in the updated version of Chapter 31 but not reproduced within that ordinance, it is attached to this August 2010 Amendment of the County's LPP.

Within the Marsh, the County may require a Marsh Development permit in addition to a grading permit. Chapter 28 of the Solano County Code regulates the issuance of a Marsh Development permit within the secondary management area of the Marsh. The Marsh Development permit process ensures that grading activities within the Marsh will not adversely impact water quality.

In combination, Chapters 28 and 31 of the Solano County Code implement the water quality policies of the County's component of the LPP both within the watershed and within the Suisun Marsh.

## **Consistency Between Provisions of the Suisun Marsh Protection Act and Existing County Policy**

Section 29427 of the Marsh Act required the County to designate an area within the Watershed that should be retained in agricultural use, or in uses compatible with agricultural use, in order to ensure the long term agricultural use and productivity of agricultural lands within the Marsh. Within this designated area, the County was to do the following:

- (1) Determine the minimum size parcels necessary for long-term agricultural use and productivity,
- (2) Establish enforceable standards limiting or prohibiting land divisions or other types of development that are inconsistent with protection of the marsh and continued agricultural use,
- (3) Establish enforceable standards precluding agricultural uses by type and intensity that are inconsistent with the long-term preservation of the marsh, and
- (4) Limit special assessments against agricultural lands for the provision of public services, the demand for which is not generated by agricultural uses on such lands.

These requirements were not part of the County's component of the LPP but were instead to be completed prior to BCDC's original certification of the County's component. The County fulfilled these requirements through the Board's adoption of Resolution No. 82-115 in June 1982. The Board designated an area 300 feet from the edge of the Suisun Marsh to be retained in agricultural use and determined that retention of this designated area in agricultural use, or uses compatible with agricultural use, would be sufficient to protect the long term agricultural use and productivity of lands within the Marsh.

Any change to the designation, standards, or limitation established pursuant to section 29427 does not become effective unless the County makes specific findings that the change will not adversely affect, directly or indirectly, the long term agricultural use and productivity of agricultural lands within the Marsh. Further, no such change becomes effective until the County has notified BCDC. In order to make the specific findings required by section 29427 and to notify BCDC of various changes, the County has updated the determinations made as part of Board Resolution No. 82-115.

## **Consistency of Existing Land Use Designations and Zoning Regulations for Certain Land in the Secondary Management Area of the Suisun Marsh West of Interstate 680 with Provisions of the Suisun Marsh Preservation Act**

Sections 29403 and 29405 of the Marsh Act require the County to determine enforceable land use standards which are compatible with long-term preservation of the Marsh and to apply the standards to the secondary management area west of I-680.

In preparing its local component, the County reviewed the general plan land use designations and zoning regulations for the area. The hills above I-680 are designated Agriculture on the

County's General Plan Land Use Diagram with a twenty acre minimum parcel size under General Plan policy. The entire area is within the Exclusive Agriculture Zoning District with a minimum parcel size of twenty acres. It is County policy to place these land use and zoning designations upon lands that are intended for long term retention in agriculture. The Land Use designation and minimum parcel size are further governed by the Orderly Growth Initiative. Any change in land use from Agriculture is subject to voter approval under provisions of the Orderly Growth Initiative.

In addition, a portion of this area is governed by the Tri-City and County Cooperative Plan for Agriculture and Open Space Preservation. This plan was adopted by the County and the cities of Vallejo, Benicia, and Fairfield in 1994 as part of each jurisdiction's general plan. The plan is intended to protect land within the Cooperative Planning area in open space and agricultural use.

The Board of Supervisors has found the existing agricultural policies and regulations to be consistent with the long-term protection of agriculture and with the provisions of the Suisun Marsh Preservation Act and Protection Plan.

### **Areas Adjacent to the Suisun Marsh to be Retained in Uses Compatible with Protection of Long Term Agricultural Use within the Suisun Marsh**

In preparing the local component of the Suisun Marsh Local Protection Program, the County has reviewed its existing general plan designations, general plan policies and zoning regulations in order to designate the area adjacent to the Marsh to be retained in agricultural use or uses compatible with long-term agricultural use so as to ensure long term agricultural use and productivity of agricultural lands within the Suisun Marsh. The County has established a zone 300 feet deep adjacent to the marsh boundary to meet the requirements of Section 29427 (a). A review of policies and regulations has also been conducted to establish compliance with Section 29427(b) which directs the County to establish certain enforceable standards to protect long term agriculture in the designated area adjacent to the Marsh. Documentation of compliance with the above mentioned sections of the Public Resources Code is outlined below.

The County, as part of its 2008 General Plan update, has carefully studied and evaluated agricultural use and activity in Solano County. The County commissioned concurrent with the General Plan update an Agricultural Futures Study prepared by UC Davis Agricultural Issues Center. In addition, the General Plan Citizens Advisory Committee (CAC) established an Agricultural Subcommittee. Both the UC Davis study and the CAC Agriculture Subcommittee conducted workshops throughout the County to gather information and input from local farmers and landowners. The findings and recommendations from the UC Davis study and the CAC Agricultural Subcommittee have been incorporated into a new Agricultural Chapter within the 2008 General Plan.

Within the Agricultural Land Use designation, the 2008 General Plan identifies ten separate agricultural regions throughout the County. Four Agricultural Regions surround the Suisun Marsh: Western Hills, Suisun Valley, Jepson Prairie and Montezuma Hills with minimum lot sizes identified for each region.

The Solano County Zoning Regulations contain a Exclusive Agricultural Zoning District (A) and the Zoning Regulations state that "the purpose and intent of the A district is to preserve lands best suited for permanent agricultural use from the encroachment of incompatible uses" and that A-

20, A-40, A-80 and A-160 areas "shall be used exclusively for agriculture... and there is no reasonable probability of the removal or modification of this zoning restriction within the near future".

Within the Western Hills, the County has with the following agricultural regions established the following minimum parcel sizes and zoning districts: (1) Western Hills agricultural region west of I-680 established a 20-acre minimum lot size and applied the Exclusive Agricultural District with a minimum parcel size of 20 acres; (2) Suisun Valley agriculture region established a 20-acre minimum lot size and applied the Suisun Valley Agricultural District with a minimum parcel size of 20 acres; (3) Jepson Prairie agriculture region established a 160 acre minimum lot size and applied the Exclusive Agricultural District with a minimum parcel size of 160 acres; and (4) Montezuma Hills agricultural region established a minimum lot size of 160 acres and applied the Exclusive Agriculture District with a minimum parcel size of 160 acres. The General Plan agricultural land use designations and minimum lot sizes established for each agricultural region are further supported and protected through the Orderly Growth Initiative. Any changes to the agricultural land use designations and/or minimum lot sizes established for each region under the 2008 General Plan are subject to voter approval.

Agriculture is a highly dynamic and rapidly changing industry. The agricultural regions represent a snapshot in time and reflect agricultural conditions present in the county at the time of the General Plan update. The agricultural characteristics that make these areas distinct regions also affect marketing and economic characteristics. For these reasons, the County believes that regions should be treated as units and that strategic plans, with specific policies and programs, should be developed to address the issues and needs unique to each region to maintain sustainable agricultural economy in the County.

Because of General Plan policies to protect agricultural lands in productive agricultural use, agricultural zoning districts which retain agricultural parcels in large farmable units, and the existing large parcel sizes of agricultural uses, the County has determined that an area 300 feet from the edge of the Suisun Marsh as shown on the map entitled "Boundaries of the Suisun Marsh" will be sufficient to protect the long-term agricultural use and productivity of agricultural lands within the Marsh.

Proposition 218, passed by the California Voters in 1996, prevents the County from imposing new assessments except with the approval of the majority of the property owners. In addition, Proposition 218 prevents assessments unless the property on which the assessment is levied receives a special benefit from the proceeds of the assessment. These provisions now incorporated into the California Constitution effectively limit any special assessment against agricultural land for the provision of public services, the demand for which is not generated by agricultural uses on such land.

# THE SOLANO COUNTY COMPONENT

## PART I-A – SOLANO COUNTY GENERAL PLAN

### Chapter 2 – Land Use

#### Land Use Designations

Table LU-5 provides a description of each General Plan land use designation and the range of density or intensity of development permitted within each category. The maximum allowable development on individual parcels is governed by these measures. General Plan land use designations are grouped into eight general categories: natural resource, agricultural, residential, commercial, industrial, public use, special purpose areas, and overlays. The following are excerpts from Table LU-5 describing the land use designations within the Suisun Marsh.

**Table LU-5**  
**General Plan Land Use Designations**

1. Designation and Density or Intensity	2. Description
<b>Natural Resources Designations</b>	
WB Water Bodies and Courses	Applies to major waterways and lakes located within the county.
PR Park and Recreation	Provides for public park and recreation areas throughout the county.
M Marsh <i>1 du/250 ac</i>	Provides for protection of marsh and wetland areas. Permits aquatic and wildlife habitat, marsh-oriented recreational uses, agricultural activities compatible with the marsh environment and marsh habitat, educational and scientific research, educational facilities supportive of and compatible with marsh functions, and restoration of historic tidal wetlands.
<b>Agricultural Designations</b>	
AG Agriculture <i>Minimum lot sizes determined by agricultural region in Table AG-3 and Figure AG-4 in the Agriculture chapter</i>	Provides areas for the practice of agriculture as the primary use, including areas that contribute significantly to the local agricultural economy, and allows for secondary uses that support the economic viability of agriculture. Agricultural land use designations protect these areas from intrusion by nonagricultural uses and other uses that do not directly support the economic viability of agriculture.  Agricultural areas within Solano County are identified within one of 10 geographic regions. Within these regions, uses include both irrigated and dryland farming and



**Table LU-5  
General Plan Land Use Designations**

1. Designation and Density or Intensity	2. Description
	grazing activities. Agriculture-related housing is also permitted within areas designated for agriculture to provide farm residences and necessary residences for farm labor housing.
<b>Public Use Designation</b>	
PQP Public/ Quasi-Public	Provides for airports, schools, solid waste facilities, hazardous waste facilities, and other public and quasi-public facilities.
<b>Residential Designations</b>	
TC-R Vallejo Unincorporated & Collinsville Areas 1-10 du/ac	<p>Recognizes current residential and mixed-use communities located outside agricultural and municipal service areas where previous development has occurred at higher densities or intensities than currently allowed under County policy. The Traditional Community designation is intended to preserve and enhance the character and quality of these communities but is not to be applied to areas where the area of the residential community is anticipated to expand. Within Traditional Community residential areas, future infill residential and mixed-use development may occur.</p> <p>Two categories of Traditional Community are established: (1) TC-R, exclusively residential (e.g., Green Valley, Rockville, Willotta Oaks, Collinsville, Snug Harbor and unincorporated areas within Vallejo and Fairfield); and (2) TC-M, mixed-use residential and commercial communities (e.g., Old Town Cordella, Elmira, Birds Landing and unincorporated areas within Vallejo). Within the Vallejo Unincorporated and Collinsville areas, a higher density range has been applied to reflect existing density range within these communities.</p>
<b>Commercial Designations</b>	
CR Commercial Recreation 0-0.3 FAR	Provides for privately owned recreational facilities, including campgrounds, special occupancy vehicle parks, floating home communities, golf courses, and recreational boat marinas. Complementary commercial facilities are also allowed with the primary use including restaurants, commercial lodging, retail shops, boat sales, boat launching ramps, and facilities for boat construction and repair.

**Table LU-5  
General Plan Land Use Designations**

1. Designation and Density or Intensity	2. Description
<b>Industrial Designations</b>	
WDI Water Dependent Industrial 0-0.3 FAR	<p>This designation is specifically designed to accommodate water dependent industrial development along the Sacramento River. These are defined as:</p> <ul style="list-style-type: none"> <li>a) Waterfront storage facilities – Ship cargo storage handling facilities immediately contiguous and with a functional relationship to a berthing facility;</li> <li>b) Waterfront manufacturing or processing facilities – Manufacturing or processing operations which require frontage on navigable waters to receive raw materials and/or to distribute processed materials by ship;</li> <li>c) Water-using facilities – Power plants and desalinization plants requiring large quantities of water for intake and waste assimilation;</li> <li>d) Support facilities – Uses in addition to those described above which are required to support the operation of a permitted waterfront use; and</li> <li>e) Associated manufacturing or processing uses – Those uses which must be in proximity to a demonstrated water-dependent manufacturing or processing use.</li> </ul> <p>Industrial development shall be located and developed in a manner that protects significant marshland and wetland habitats and the water quality of the area. Wetland resources may be enhanced or restored, provided that the viability of the site for industrial development is preserved.</p>
<b>Overlays</b>	
RCO Resource Conservation Overlay	<p>Identifies and protects areas of the county with special resource management needs. This designation recognizes the presence of certain important natural resources in the county while maintaining the validity of underlying land use designations. The overlay protects resources by (1) requiring study of potential effects if development is proposed in these locations, and (2) providing mitigation to support urban development in cities.</p> <p>Resources to be protected through this overlay are those identified through technical studies as the highest priority areas within the habitat conservation planning process. Conservation measures used to achieve the County's resource goals vary based on the targeted resource.</p>

**Table LU-5  
General Plan Land Use Designations**

1. Designation and Density or Intensity	2. Description
	Removal of a Resource Conservation Overlay from a subject property may be possible through a General Plan amendment.

Notes: du/ac = dwelling units per acre; FAR = floor-area ratio

## **Special Study Areas**

As part of the General Plan update process, special community participation programs were conducted in four special study areas. These four areas (Middle Green Valley, Suisun Valley, Old Town Cordella, and Collinsville) face unique planning issues. The process of planning for special study areas focused attention on each area's particular issues and concerns. Goals and policies were established for each area based on the input from the community.

### **Collinsville**

The Collinsville Special Study Area includes about 8,500 acres located in the extreme southeastern portion of Solano County. Located south of SR 12 approximately 10 miles southwest of Rio Vista and 15 miles southeast of Travis AFB and Fairfield, Collinsville is bordered on the south and southwest by the Sacramento River and on the west by Montezuma Slough and Suisun Marsh.

Current land uses in Collinsville include natural resources land, utility operations, publicly owned open land, residences, wind farms, and agricultural lands. Dry farming, which rotates between grain and grazing sheep, is the major agricultural practice in this area. Much of the land used for dry farming is also used for production of wind energy.

Pacific Gas and Electric Company and the Sacramento Municipal Utility District both own large tracts of land in the Collinsville area. A cluster of fewer than 20 homes is located in the southern portion of the area along Collinsville Road. Another cluster of homes and businesses serving the local area is located in Birds Landing, at the northern edge of the area, where Collinsville and Birds Landing Roads intersect.

### **Community Involvement Process**

Five public workshops were held to shape the land use plan, including policies and implementation programs for Collinsville. These items were subsequently reviewed with the Citizens' Advisory Committee, Planning Commission and the Board of Supervisors. The issues summarized below were recurring points of discussion that resonated throughout each of the workshops.

### **Maintain Residential Character of Collinsville and Birds Landing**

Starting at the first workshop, many residents expressed a desire to keep Collinsville, and to a lesser extent Birds Landing, as they are right now. There was less discussion of Birds Landing due to more limited attendance from residents of that portion of the study area. Discussion of residential uses and designations often became confusing due to the fact that the current General Plan and Zoning designations for the Collinsville town site are inconsistent with the land

uses actually found there. Most of the resident participants who reiterated that they wanted to 'keep it the way it is' were referring to the existing land uses, but a smaller number of residents were actually referring to either the General Plan designation (Commercial Recreation in Collinsville) or the Zoning designation (Extensive Agricultural in Collinsville).

## **Industrial Uses**

There was extensive discussion of industrial development in the Collinsville area. This was initially focused on a single proposal for industrial development on land that was formerly owned by Dow Chemical and is currently owned by the Sacramento Municipal Utility District (SMUD). As the workshops continued, representatives of the Pacific Gas and Electric Company and SMUD attended workshops, and comments in writing were submitted by landowners, which expanded the conversation to industrial uses in general and the types of industrial uses that should be permitted.

## **Marsh and Other Natural Resources**

The condition of the Suisun Marsh and other natural resource areas within the study area was discussed frequently. Many residents commented that they liked living in an area with so many natural resources and would like to see them restored and preserved, rather than developed.

## **Infrastructure/Roadways**

There was discussion of two infrastructure issues. The first was provision of septic for the existing homes in Collinsville. The second was traffic impacts that could result from industrial development.

## **Collinsville Land Use Plan**

Based on the community input from the public workshops, the land use plan for Collinsville is intended to maintain the residential character of Collinsville and Birds Landing, retain the possibility for future industrial development outside of the existing community, and protect the condition of Suisun Marsh and other natural resource areas.

Extensive changes were made to the land use designations found in the 1979 *Collinsville-Montezuma Hills Area Plan and Program*; however, the focus will remain on providing land for industrial uses that rely on the Collinsville area's unique access to the Sacramento River and wind resources, with a focus on production of renewable energy. Expanded focus is given to maintaining and enhancing the current traditional communities of Collinsville and Birds Landing and ensuring that uses in other parts of the study area are compatible with those communities. The land use diagram for Collinsville is presented in Figure SS-5.

## **Goal and Policies**

The following goal and policies were developed based on community input and along with the land use diagram will be used to review and update the Collinsville-Montezuma Hills Area Plan.

### **Goal**

- SS.G-3: Protect and maintain the historic communities of Birds Landing and Collinsville while continuing to provide opportunities for industrial development that are compatible with the Collinsville area.

## Policies

- SS.P-20: Explore historic preservation for historic buildings located within the study area.
- SS.P-21: Preserve the residential character of the Collinsville town site; ensure that any future nonresidential uses are compatible with the residential character and that an adequate buffer is established between residential and nonresidential uses.
- SS.P-23: Focus on renewable energy in the development of Water Dependent Industrial uses.
- SS.P-24: Provide adequate circulation for new industrial development in the Water Dependent Industrial land use designation, and protect circulation for adjacent, nonindustrial land uses, including agricultural and other local traffic.
- SS.P-25: Support the development of Commercial Recreation uses in designated portions of the Collinsville town site.
- SS.P-26: Maintain and support the expansion of neighborhood commercial uses appropriate for the traditional community in Birds Landing.
- SS.P-27: Protect existing historic communities from floodwaters by supporting the ongoing maintenance of levees and other flood control mechanism

# **PART I-B – SOLANO COUNTY GENERAL PLAN**

## **Chapter 4 – Resources**

### **Suisun Marsh**

The Marsh designation has been applied to the Suisun Marsh on the Land Use Diagram. This designation is designed to preserve and enhance the quality and diversity of marsh habitats. Uses in marsh designated areas should be restricted to aquatic and wildlife habitat; marsh-oriented recreational uses; agricultural activities compatible with the marsh environment and which protect the habitat value of marsh areas; and educational and scientific research opportunities and resources; and restoration of historic tidal wetlands by such actions as raising site elevations through placement of approved dredged sediments, breaching levees, and reintroduction tidal action.

The Primary Management Areas as established in the Suisun Preservation Act of 1977 is shown in Figure 3RS-3. This area consists of tidal marshes, seasonal marshes, managed wetlands and lowland grasslands. It is the intent for this area to remain in its existing marsh and related uses as provided for in the Suisun Marsh Local Protection Program. Within the Primary Management Area lands are generally to be retained in minimum parcel sizes of 250 acres.

The Secondary Management area established in the 1977 Act and shown in Figure 3RS-3 is designated for agricultural use. This area includes portions of four agricultural regions as shown in Figure AG -4. They include the Western Hills region, Suisun Valley region, the Jepson Prairie Region, and the Montezuma Hills region. These areas within the Secondary Management area consist of upland grasslands and agricultural lands and serves as a buffers to the wetland areas. The Secondary Management Area is designed to assure retention of upland areas adjacent to the marsh in uses compatible with its protection as provided for in the Suisun Marsh local Protection Program. Within the Secondary Management area, lands within the Western Hills west of I-680 are generally to be retained in minimum parcel sizes of 20 acres and east of I-680 in 160 acre minimum parcel sizes. In Suisun Valley region of the Secondary Management area, lands are generally to be retained in minimum parcel sizes of 80 acres and lands in the Jepson Prairie and Montezuma Hills regions of the Secondary Management area are generally to be retained in minimum parcel sizes 160 acres. The County has applied Marsh Preservation (MP) and Suisun Marsh Agricultural zoning (A-SM) districts to the Primary and Secondary Management Areas, consistent with the General Plan.

In addition to the Suisun Marsh, a number of important habitat areas also exist along the county's significant water courses. The plan seeks to preserve the water quality and riparian habitat of these watercourses through the control of erosion, sedimentation and runoff resulting from adjacent use and development. Areas west of I-680 and outside the boundaries of the City of Fairfield are excluded from the land use restrictions which the Act places upon the buffer, except for watercourse protection and erosion and sediment control provisions.

Under the Suisun Marsh Local Protection Program, all public and private management and development activities within the Primary and Secondary Management areas of the Suisun Marsh shall be consistent with the policies and provisions of the Suisun Marsh Protection Plan as adopted by the San Francisco Bay Conservation and Development Commission. The Marsh

designation in the Water Related Industry Reserve area, a part of the Secondary Management Area of the Suisun Marsh Protection Plan, will be managed in the same fashion as if it were a part of the Primary Management Area of the Suisun Marsh Protection Plan.

### **Policies**

General Plan policies governing the Suisun Marsh are contained in Chapter 12, Suisun Marsh Local Protection Program.

### **Figure RS-3**

Figure RS-3, Delta and Marsh Protection Areas, reflects the BCDC Suisun Marsh Protection Plan map as amended by BCDC to show the Water Related Industrial Reserve area consistent with 2008 General Plan Land Use Diagram for the Water Dependent Industrial designation in the Collinsville area.

# **PART I-C – SOLANO COUNTY GENERAL PLAN**

## **Chapter 8 – Public Facilities and Services**

### **Solid Waste**

#### **Planning Context**

The Potrero Hills Landfill is located in the Secondary Management Area of the Suisun Marsh. The Public/Quasi-public land use designation applied to the Potrero Hills Landfill shall be temporary and limited to only a solid waste facility established consistent with Solano County Suisun Marsh Local Protection Program Utilities, Facilities and Transportation Policy 4. (Appendix C). All other Public/Quasi-public facilities and uses shall not be permitted at this site. When the Potrero Hills Landfill is closed, the land use designation for this area shall revert to Agriculture. The Potrero Hills Landfill will reach its near-term capacity in 2013, but may be expanded to reach its long-term capacity in 2049. The Hay Road Landfill has until 2070 before it reaches capacity. Each site shall be restored to its original natural condition consistent with each site's approved closure plan and reclamation plan. Restoration may be phased over the life of the landfill.

#### **Policy**

- PF.P-31: The Public/Quasi-public land use designation applied to the Potrero Hills Landfill is a temporary designation and shall be limited to only a solid waste facility that is established consistent with Solano County *Suisun Marsh Local Protection Program* and *Suisun Marsh Protection Plan*. The temporary designation is for the life of a facility, as permitted. Once any portion of the facility is closed, the agricultural land use designation will be restored and in effect.



# **PART I-D – SOLANO COUNTY GENERAL PLAN**

## **Chapter 12 – Suisun Marsh Local Protection Program Policies**

### **INTRODUCTION**

The Suisun Marsh is shown in Figures SM-1 and SM-2. The County is required to prepare and adopt a component of the local protection program required under the 1977 Suisun Marsh Preservation Act (Marsh Act) to implement the Suisun Marsh Protection Plan within the Suisun Marsh Primary and Secondary Management Areas (See Chapter 4, Suisun Marsh). The County Component of the Local Protection Program is comprised of policies contained in the County General Plan and County Code provisions including the Zoning Ordinance (Chapter 28) and Grading, Drainage, Land Leveling and Erosion Control Ordinance (Chapter 31).

### **Purpose**

This Chapter contains and references the General Plan provision of the Solano County Component of the Suisun Marsh Local Protection Program.

### **Relationship to Other General Plan Chapters**

The County Component of the Suisun Marsh Local Protection Program includes the following General Plan provisions.

Chapter 2, Land Use

Table LU-5

WB Water Bodies and Courses  
PR Park and Recreation  
M Marsh  
A Agriculture  
PQP Public/ Quasi-Public  
TC-R Traditional Community Residential  
CR Commercial Recreation  
WDI Water Dependent Industrial

Special Study Area – Collinsville subsection; Goal SS.G-3 ; Policies SS.P-20, SS.P-21, SS.P-23, SS.P-24, SS.P-25, and SS.P-27; Figure SS-5

Chapter 4, Resource

Marsh and Delta Areas – Suisun Marsh subsection; Figure RS-3

Chapter 8, Public Facilities and Services

Potrero Hills Landfill discussion in Solid Waste section; Policy PF.P-31

Chapter 12, Suisun Marsh Local Protection Program Policies

## **Related Plans, Programs and Agencies**

The Suisun Marsh Local Protection Program is required to be consistent with the Suisun Marsh Protection Plan, prepared by the Bay Conservation and Development Commission, and the provisions of the Suisun Marsh Protection Act of 1977.

## **LAND USE DIAGRAM**

Within the Suisun Marsh Management area, the following land use classifications apply:

- Water Bodies and Courses
- Park and Recreation
- Agriculture
- Public/Quasi-Public
- Traditional Community – Residential
- Commercial Recreation
- Water Dependent Industrial

These land use classifications are described in Chapter 2, Land Use and are shown on the Suisun Marsh Land Use Diagram in Figure SM-3.

## **SUISUN MARSH POLICIES**

### **BIOLOGIC RESOURCES**

The Suisun Marsh represents an area of significant aquatic and wildlife habitat and is an irreplaceable and unique resource to the residents of Solano County, the state and nation. The Marsh comprises approximately 85,000 acres of tidal marsh, managed wetlands, and waterways. It is the largest remaining wetland around San Francisco Bay and includes more than ten percent of California's remaining wetland area. The Marsh is also a wildlife habitat of nationwide importance in that it provides wintering habitat for waterfowl of the Pacific fly-way. Because of its size and estuarine location, it supports a diversity of plant communities which provide habitats for a variety of fish and wildlife, including several rare and endangered species.

In order to preserve and enhance the quality and diversity of marsh habitats and to assure retention of upland areas adjacent to the marsh in uses compatible with its protection, the California Legislature passed the Suisun Marsh Preservation Act of 1977. This legislation serves to protect the Marsh by adopting provisions of the Suisun Marsh Protection Plan as prepared by BCDC. The Preservation Act also requires local governments and districts having jurisdiction over the Marsh to prepare a Local Protection Program for the Marsh, consistent with the provisions of the Preservation Act and the policies of the Protection Plan.

An important provision of the Act and Plan is the delineation of two management areas within the Marsh. The Primary Management Area consists of tidal marshes, seasonal marshes, managed wetlands, and lowland grasslands within the Marsh. The Secondary Management Area is comprised of upland grasslands and cultivated lands, which serve as significant buffers to the Marsh. Policies incorporated within this Section that refer to uses in either of these management areas apply to the Primary and Secondary Management Areas, as established by the Preservation Act.

Another important provision of the Act and Plan is to ensure that appropriate marsh preservation policies are incorporated into local plans and ordinances. The following discussion of marsh-related issues presents policies and standards consistent with this provision. Marsh issues addressed herein are discussed and grouped in several areas of major concern. These include provisions for the management of wildlife habitat, agricultural use within and adjacent to the Marsh, preservation of water quality within the Marsh and watershed, recreation and marsh access, as well as standards for natural gas, utilities, and water-related industrial development.

## **Wildlife Habitat Management and Preservation**

The Suisun Marsh and adjacent uplands provide a unique resource for a wide range of aquatic and wildlife species, due to the occurrence of many diverse habitats in close proximity to each other. The marsh also provides habitat for many rare and endangered plant and animal species.

The tidal marshes, managed wetlands, seasonal marshes and the lowland grasslands of the Suisun Marsh represent a vital resource for many forms of marsh wildlife. Most of the wetlands in the Marsh are managed wetlands that are artificially flooded and cultivated to enhance the production of preferred waterfowl food plants. The tidal marshes, which occur on the edges of the bays and sloughs, are exposed to the natural daily tidal rhythm. Seasonal marshes are found adjacent to the managed wetlands in several areas. They are low-lying lands that are flooded annually by winter and spring rains, and dry out with the approach of summer. Between the Marsh and adjacent uplands lies a "transition zone" of lowland grasslands, which supports a mixture of plants common to both the wetlands and the upland grasslands. Because of their critical importance to Marsh wildlife these areas should be managed so as to preserve and enhance marsh habitat while limiting agricultural use to practices consistent with wildlife use.

Wildlife habitat within the Suisun Marsh shall be managed and preserved through the following policies:

- SM.P-1: The diversity of habitats in the Suisun Marsh and surrounding upland areas shall be preserved and enhanced wherever possible to maintain the unique wildlife resource.
- SM.P-2: The Marsh waterways, managed wetlands, tidal marshes, seasonal marshes, and lowland and grasslands, which are critical habitats for marsh-related wildlife and are essential to the integrity of the Suisun Marsh, shall be protected.
- SM.P-3: The eucalyptus groves in and around the Marsh, particularly those on Joyce and Grizzly Islands, should not be disturbed.
- SM.P-4: Burning in the Primary Management Area is a valuable management tool. However, it should be kept to a minimum to prevent uncontrolled fires, which may destroy beneficial plant species and damage peat levees, and to minimize air pollution.
- SM.P-5: Where feasible, historic marshes should be returned to wetland status, either as tidal marshes or managed wetlands. If, in the future, some of the managed wetlands are no longer needed for waterfowl hunting, they should also be restored as tidal marshes.

- SM.P-6: Land divisions or other types of development that are inconsistent with protection of the Marsh and continued agricultural use shall be limited or prohibited.

## AGRICULTURE

Adjacent to the Suisun Marsh wetlands and lowland grasslands, is an area comprised of upland grasslands and cultivated lands. The upland grasslands and cultivated lands provide habitat for marsh-related wildlife, but more importantly, by their location and existing uses, they insulate the habitats from the adverse impacts of both urban development and other upland land uses and practices incompatible with preservation of the Marsh. Within this area, existing grazing and agricultural uses should continue, and agricultural practices favoring wildlife use and habitat enhancement should be encouraged.

The following policies apply to agricultural uses within and adjacent to the Suisun Marsh:

- SM.P-7: Agriculture within the Primary Management Area of the Suisun Marsh should be limited to activities compatible with, or intended for, the maintenance or improvement of wildlife habitat. These include agricultural uses such as grain production and grazing. —Agricultural activities involving removal or persistent plowing of natural vegetation should not be permitted. Grain production should be confined to the Grizzly Island Wildlife Area and relatively small, well-suited areas of some of the large duck clubs. Grazing should be used to control vegetation on duck clubs where plant cover is sub-optimum for waterfowl use and should be discouraged on those clubs where there is already a good mixture of preferred waterfowl food plants. Grazing pressures should not exceed sound range management practices.
- SM.P-8: Agricultural uses consistent with protection of the Marsh, such as grazing and grain production, should be maintained in the Secondary Management Area. In the event such uses become infeasible, other uses compatible with protection of the Marsh should be permitted. The value of the upland grassland and cultivated lands as habitats for marsh-related wildlife should be maintained and enhanced where possible by planting or encouraging valuable wildlife food or cover plant species.
- SM.P-9: Existing non-agricultural uses, such as Potrero Hills Landfill (former Solano Garbage Company), Universal Propulsion Co. Inc. (former Goodrich and Explosive Technology Corporation), FP Smith Parts and Equipment, Flatiron Construction, and others, on sites within the secondary management area should be allowed to continue if they are conducted so that they will not cause adverse impacts upon the Marsh. Any future change in uses of these sites should be compatible with the preservation of the Marsh and its wildlife resources.
- SM.P-10: Within the Marsh, the County shall limit special assessments against agricultural lands for the provision of public services, where the demand for such services is not generated by agricultural use on the land.

## WATER QUALITY AND FLOOD CONTROL

The Suisun Marsh is located where the salt water of the Pacific Ocean and fresh water of the Sacramento and San Joaquin River Delta meet and mix. Because of its location, it provides a transition between salt and fresh water habitats which creates the unique diversity of fish and wildlife habitats characteristic of a brackish marsh. Water quality in the Marsh today is generally adequate, in terms of salinity, turbidity, temperature and pollution levels. The salinity level, however, is almost totally dependent upon the amount of fresh water flowing in from the Delta since it is this inflow that limits the intrusion of saline ocean waters.

Numerous upstream storage facilities, together with diversions of water from the Delta and the tributary streams of the Delta, have substantially reduced the amount of fresh water flowing into the Delta, with a resultant increase in salinity intrusion into the Marsh and Delta. Future changes in land uses in the Suisun Marsh and its watershed may also affect water quality through changes in turbidity, temperature, or pollution levels.

Land use and conservation policies can protect water quality and mitigate flood hazards by minimizing encroachment on natural drainage courses and preventing increases in the rate of runoff caused by upstream land development within the Suisun Marsh and its watershed.

The following policies represent the County's intent in preserving water quality and reducing flood hazards in the Suisun Marsh:

- SM.P-11: Projects designed to import or redistribute the fresh water in the Marsh for salinity control should be planned carefully so that the expected benefits are realized. Furthermore, any proposed import project should be studied to determine if the project would adversely affect the Marsh by encouraging urban and industrial growth in the Marsh area. No import project should be constructed if the adverse environmental impacts of growth on the Marsh would outweigh the possible beneficial impacts of salinity control.
- SM.P-12: To prevent crop damage in some areas, the withdrawal of groundwater from the underground aquifers surrounding the Marsh may be desirable. Withdrawal should not be so extensive as to allow the salt water of the Marsh to intrude into fresh water aquifers, or to disrupt the natural subsurface flow of groundwater into the Marsh.
- SM.P-13: Disruption or impediments to runoff and stream flow in the Suisun Marsh and its watershed should not be permitted if it would result in adverse effects on the quality of water in or entering the Marsh. Riparian vegetation in the Suisun Marsh and its immediate watershed should be preserved due to its importance in the maintenance of water quality and its value as marsh-related wildlife habitat. Stream modification should be permitted only if it is necessary to ensure the protection of life or existing structures from floods, and only the minimum amount of modification necessary should be allowed in such cases.
- SM.P-14: Any development of industrial facilities in, adjacent to, or upstream from the Marsh should be designed and conditioned to eliminate significant adverse environmental impacts on the water quality of the Suisun Marsh.

Activities that could significantly alter the temperature, salinity, or turbidity of the water should be prohibited. Industrial facilities that will increase the potential for spills of toxic and hazardous materials should not be permitted unless it is established that spills of such materials will not represent a significant threat to the Marsh.

- SM.P-15: Any development in the Suisun Marsh or its watershed proposed for areas that have poor soil conditions for construction, or that are seismically active, should be controlled to prevent or minimize earth disturbance, erosion, water pollution, and hazards to public safety. The County's runoff, erosion, and sediment control ordinance should protect the Suisun Marsh and its watershed from these potential adverse effects.
- SM.P-16: Riparian corridors (the stream, its banks, and creekside vegetation) in the Marsh and its immediate watershed should be protected from encroachment and degradation by development. No development shall be permitted which would interfere with existing channel capacity or would substantially increase erosion, siltation, or other contributors to the deterioration of any watercourse.
- SM.P-17: Within the Suisun Marsh and its watershed, sound agricultural practices which conserve water quality and riparian vegetation shall be encouraged.
- SM.P-18: Public roadway construction and improvement activities should be subject to restrictions permitting the natural water movement necessary to sustain the marsh environment.
- SM.P-19: Wherever possible, upstream watersheds should remain primarily devoted to open space land uses such as recreation and extensive agriculture (grazing). Upstream land use practices that contribute to increased rates of surface water runoff should be prevented or regulated.

## NATURAL GAS

Several thousand feet below the tidal marshes, managed wetlands, sloughs, and bays of the Suisun Marsh are geologic formations that contain trapped accumulations of natural gas. These formations and the accumulated gas constitute the Suisun Marsh gas fields. Gas has been extracted from the Suisun fields since their discovery in 1938. However, due to high demands for natural gas as a fuel and the limited nature of the resource, the fields are expected to be completely depleted in the future. After the depletion of the fields, the remaining geologic formations may be suitable for the underground storage of natural gas extracted from other fields and transported to the Bay Area by pipeline or tanker.

Provisions for natural gas exploration, operation, and storage shall be controlled through the following policies:

- SM.P-20: Transportation of natural gas by underground pipeline is the most economical and safe method of gas transportation in the Suisun Marsh area. Future gas pipelines should be permitted if they are consistent with

the Suisun Marsh Protection Plan and if the design and construction meet the following standards:

- a. Existing pipeline systems are utilized to the maximum extent feasible.
- b. The pipeline design meets all applicable safety standards of the Office of Pipeline Safety Operations and other regulatory agencies.
- c. The pipeline route avoids tidal marshes and managed wetlands wherever possible and, if that is not possible, the route crosses as little marsh or managed wetland as possible.
- d. Wide track or amphibious construction equipment is used in tidal marsh or managed wetland areas. Pads or mats are used as needed to prevent any construction equipment from sinking into the soft marsh muds and damaging the marsh plants.
- e. The "trench and push" construction method is used in all tidal marsh and managed wetland areas where feasible, so that the construction zone is kept as small as possible and the minimum amount of heavy equipment passes through the marsh or wetland area.
- f. Prior to any pipeline construction or related activities in the Marsh, the contractors should consult with the Department of Fish and Game to determine at what time such construction or related activities should be conducted so as to create the least possible adverse impact on breeding, migration, or other fish and wildlife activities.
- g. Prior to any underground pipeline construction in the Marsh, the contractors should consult with the Solano County Mosquito Abatement District to ensure existing recirculation water ditches are not blocked and levees are adequately repaired after pipeline construction, or that effective mosquito control measures are maintained.
- h. At slough, mudflat, and bay crossings of gas pipelines, the trench is dredged in a manner that minimizes turbidity and prevents interference of the dredging operation with fish or wildlife.
- i. A regular surface and aerial inspection of the pipeline route is carried out as required by the Office of Pipeline Safety Operations.

SM.P-21: If additional gas wells or ancillary facilities are required for gas exploration, production, or injection, the drilling should be accomplished with the following safeguards:

- a. Drilling operations should conform to the regulations of the California Division of Oil and Gas designed to prevent damage to natural resources.
- b. The drilling operation is confined to as small an area as possible and does not irreversibly damage unique vegetation or fish and wildlife habitats.
- c. After drilling is complete, all drilling muds, water waste, and any other fluids are removed entirely from the site and disposed of in a manner that does not adversely affect the Marsh.
- d. All buildings, tanks, "Christmas trees" or other facilities related to the production or storage of natural gas do not result in the permanent loss of water surface in the Marsh.

SM.P-22: Construction and drilling in tidal marsh and managed wetland areas should occur only during the dry months of the years (generally April 15 through October 15) when these activities would not disturb wintering waterfowl.

SM.P-23: If gas wells are abandoned, they should be sealed in accordance with Division of Oil and Gas regulations; the drilling or production facilities should be removed; and the surface area should be revegetated with native vegetation within one growing season after abandonment.

SM.P-24: Storage of natural gas in depleted gas reservoirs is a reasonable use of the resource and should be permitted. Storage facilities should meet all safety standards of the Division of Oil and Gas.

SM.P-25: Because the Suisun Marsh offers both natural gas and depleted gas fields suitable for gas storage, and because it is close to the urban Bay Area and the proposed waterfront industrial area on the Sacramento River, gas will probably continue to be transported out of, into, and around the Marsh. All gas transportation into and out of the Marsh is now by underground pipeline systems. If other types of systems for the transport or storage of liquefied natural gas (LNG) are proposed for the Suisun Marsh area, a detailed investigation of the hazards and impacts of LNG facilities should be carried out before approval of the facilities.

## UTILITIES, FACILITIES, AND TRANSPORTATION

Construction of utilities, facilities, and transportation systems in and immediately adjacent to the Suisun Marsh can: (1) disrupt the Marsh ecosystem at the time of construction; (2) have lasting effects on wildlife by forming barriers and obstacles to their movement and flight patterns; and (3) stimulate urban development by providing services that are a prerequisite for such development.

The following policies are incorporated to protect the Marsh from such facilities:



SM.P-26: In the Suisun Marsh and upland areas necessary to protect the Marsh, improvements to public utility facilities should follow these planning guidelines:

- a. New electric power transmission utility corridors should be located at least one-half mile from the edge of the Marsh. New transmission lines, whether adjacent to the Marsh or within existing utility corridors, should be constructed so that all wires are at least six feet apart.
- b. Urban utilities and public services (e.g., natural gas lines, electric lines for local power distribution, domestic water mains, and sewers) should be allowed to extend into the Suisun Marsh and the adjacent upland area necessary to protect the Marsh only to serve existing uses and other uses consistent with protection of the Marsh, such as agriculture. However, utilities in the Secondary Management Area necessary for the operation of water-related industry within the area designated for such use in the Suisun Marsh Protection Plan at Collinsville would be permissible.
- c. Within the Marsh, new electric lines for local distribution should be installed underground unless undergrounding would have a greater adverse environmental effect on the Marsh than above-ground construction, or the cost of underground installation would be so expensive as to preclude service. Any distribution line necessary to be constructed above ground should have all wires at least six feet apart.
- d. New telephone lines installed in the Marsh and within one-half mile of the Marsh should be buried underground whenever possible. All new telephone cables routed through the Suisun Marsh area should be buried, and the alignment should avoid wetland areas whenever possible.
- e. New roadways (highways, primary and secondary roads) and rail lines that form barriers to movement of terrestrial wildlife should not be constructed in the Suisun Marsh or in adjacent uplands that are necessary to protect the Marsh, except where such roadways and rail lines are necessary in the Secondary Management Area for the operation of water-related industry and port uses within the area designated by the Protection Plan as a water-related industry reserve area at Collinsville. Rail access to serve the water-related industrial reserve area may be permitted within the existing Sacramento Northern Railroad right-of-way or along the east side of the Marsh, whichever route would result in the least disturbance to wetlands and wildlife. Wherever possible, rail access to the Sacramento River and through the area designated as a water-related industrial reserve area should be located above the 10 foot contour in order to avoid adverse impacts to wetlands. Whenever the reconstructed line would pass through wetland areas, it should be constructed on trestles or in a manner which

allows for the natural movement of water and wildlife beneath the alignment.

- f. The Solano County General Plan acknowledges the need for the possible expansion of Highway 12. When traffic loads warrant the widening of Highway 12, such expansion must be designed so as to minimize adverse environmental impacts on the Marsh.

SM.P-27: Underground pipelines, wires, and cables should be permitted in the Suisun Marsh if no alternative route is feasible and they are designed and constructed to meet the following standards;

- a. Installation of pipelines, wires, and cables (particularly local service utilities) are located within existing road rights-of-way whenever possible.
- b. All pipelines passing through the Marsh meet Pipeline Safety Regulations of the U.S. Department of Transportation regarding pipe thickness, pressure limiting devices, emergency shut-down valves and other safety design criteria.
- c. Whenever construction occurs within the wetlands, it is confined to the dry months (generally April 15 through October 15) to minimize disturbance of wetland vegetation, wintering migratory waterfowl, other water-associated birds, and nesting resident birds.
- d. Wide-track or amphibious construction equipment is used to reduce the bearing weight of the equipment unless pads are laid on the wetland area to support the heavy machinery and to prevent it from sinking into the soft marsh soil. Equipment movement to the construction site within the Marsh is limited to roads in the immediate vicinity of the pipeline, wire, or cable being installed to minimize disruption of Marsh wildlife habitat. The construction site is well defined and clearly marked so that workers do not disturb adjacent Marsh areas.
- e. When a trench is cut to install a pipe, wire, or cable, excavation is only slightly wider than the utility line to be buried to minimize wetland disturbance.
- f. When pipelines are being installed across wetlands, the "trench and push" method of construction is employed. This construction method, the least damaging to the wetlands because it avoids the need for heavy equipment alongside the trench to install the pipe, involves filling the excavated trench with water and pushing or pulling the assembled pipe through the Marsh trench. Recent pipeline installations in the Suisun Marsh, conducted under an ECOC permit, indicate that this is a practical method in the Marsh.
- g. Tidal marsh and managed wetlands disturbed during pipeline, wire, or cable construction will generally revegetate naturally

within one growing season if the top layer of soil and vegetation is stockpiled when the trench is first dug and replaced on top of the backfilled trench to facilitate revegetation. If a completed trench is not revegetated within one growing season in a managed wetland, the disturbed area must be reseeded with appropriate native plant seed.

- h. In water areas (bays and sloughs), dredging and pipe and cable installation is scheduled so as to avoid major fish migrations.

SM.P-28: To protect the Marsh from potential accidental drainage of toxic materials, any use of the former Pacific Reclamation and Disposal, Inc. site should meet all requirements of the Regional Water Quality Control Board, and any future dam construction to contain waste material should meet all requirements of appropriate regulatory agencies, such as the Division of Dam Safety. Any future expansion, construction, or operation of the former Pacific Reclamation facility should be away from the steep slopes of the hills that front directly on the Marsh.

SM.P-29: The Potrero Hills Landfill (former Solano Garbage Company) should be permitted to continue its existing County approved operation until it reaches capacity. Expansion of this facility could impact upland grassland areas, which provide valuable habitat for marsh-related wildlife. However, future expansion of the Potrero Hills Landfill should be permitted if it can be shown that the construction and operation of such facilities will not have significant adverse ecological or aesthetic impacts on the Marsh.

SM.P-30: Material Disposal Company's debris disposal facility, which is currently not in operation, should not be permitted to resume functioning because its operation would involve fill in tidal marsh and is not compatible with preservation of the Marsh.

SM.P-31: Extraction and removal of minerals or natural materials from existing quarries and borrow areas within the Secondary Management Area of the Suisun Marsh should be allowed to continue where not in conflict with protection of the Marsh and in conformance with County Codes. Sites governed by the above provisions include: Two on the Tule Vista Livestock Company properties, of which one is located east of Scally Road and the other located northeast of Beldon's Landing, one on the Guy Stewart property 1,500 feet west of Shiloh Road, two on the Barnes property 8,000 feet west of Shiloh Road in the Kirby Hills, and two on the Wagent property 3,000 feet west of Shiloh Road. These are in addition to existing sites under County land use permit.

SM.P-32: In order to improve marsh management, it is important to improve and maintain exterior and interior levee systems, as well as other water control facilities on public and privately-owned managed wetlands. Hauling excessive amounts of earth material on public roads for levee maintenance use can have a detrimental effect on the roads. In order to minimize impacts on existing public roads on the Marsh, earth levee maintenance materials may be transferred from a shore site to barges for

transporting the material to a repair site on a temporary basis under the following conditions: (1) there is a proven need for the levee maintenance material at a specific repair site, (2) the transfer site is not a wetland tidal marsh or seasonal marsh; (3) the transfer operation is limited to the minimum time necessary to provide material for the levee repair; (4) any equipment, machinery or similar facilities needed to transfer materials shall be temporary and removed from the transfer site when not in use and (5) no permanent improvements are developed at a transfer site. At such time as is determined to be appropriate by the Board of Supervisors, a study may be undertaken to determine whether, when deliveries of marsh maintenance materials are made within the Marsh, the operation of a transfer site could encompass transfer of natural materials reclaimed from within the Suisun Marsh from barges to the shore site. Such study, if undertaken, would address the issues of conformance of such an operation with the policies and purposes of the Suisun Marsh Protection Act, and what limitations, conditions, and standards would be necessary to insure protection of the Marsh from adverse environmental impact from such activity.

SM.P-33: The proliferation of sites for the disposal of special wastes could have significant adverse impacts upon preservation of marsh upland areas. The animal burial ground on Scally Road under County Use Permit should be allowed to operate as conditioned. The creation of additional disposal sites of a special nature shall be prohibited.

SM.P-34: The following policies toward diking, filling, and dredging of sloughs, managed wetlands and marshes should be implemented:

- a. No dredging, filling, or diking activity shall be conducted within the Primary Management Area of the Suisun Marsh, except with the permission of the appropriate permitting authorities.
- b. In order to minimize adverse effects on desirable plant and wildlife communities and to minimize the potential for erosion and sedimentation, all diking, dredging, and filling activities shall be carried out in conformity with the following general principles and standards:
  - i. Stripping or burning of vegetation, or other soil disturbance, should be done in a manner which will minimize adverse impacts on desirable plant and wildlife communities and control erosion and sedimentation.
  - ii. Existing native vegetation shall be retained, protected, and supplemented wherever practical. Development shall be accomplished so that existing trees will be preserved whenever practicable.
  - iii. Exposure of soil to erosion by removal of vegetation shall be limited to the smallest area practicable and for the shortest time practicable. Soil exposure should not exceed

an area in which work can be completed during a single construction season to insure that soil stability is established well in advance of the rainy season. In general, soil disturbance shall be limited to the period between April 15 and October 15.

- iv. Permanent control structures should be installed and final vegetation established as soon as practicable.
  - v. Facilities shall be constructed in a manner which will minimize erosion and sediment deposition in adjacent waterways and wetlands.
  - vi. Slopes, both cut and fill, shall not be steeper than 2:1 unless a thorough geological and engineering analysis indicates that steeper slopes are safe and appropriate erosion control measures are specified.
  - vii. Cuts and fills shall not encroach upon existing watercourses or constructed channels in a manner that adversely affects adjacent properties or the carrying capability of the watercourse.
  - viii. Disposal of cleared vegetation and excavated materials shall be done in a manner which reduces the risk of erosion and sedimentation and shall conform to the provisions of these standards.
  - ix. Diking, filling, and dredging activities shall be conducted so as to minimize interference with critical wildlife activities such as nesting and breeding.
- c. To prevent sedimentation resulting from dredging projects and to restore and enhance wetlands, dredged sediments should be disposed of in one of the following ways: (a) placement on dry land; (b) placement as fill in approved fills or levee projects; (c) barging or piping to suitable disposal sites in the ocean, or dumping in areas of the bay designated for such purposes by the appropriate governmental agency; or (d) used to restore or enhance tidal, managed, or seasonal wetlands.
  - d. All proposed channels should be designed not to undermine the stability of any adjacent dikes and fills.
  - e. Any proposed fills, dikes, or piers should be thoroughly evaluated to determine their effects on sloughs, managed wetlands, and marshes, and proposals should be modified as necessary to minimize any harmful effects.

SM.P-35

Wind energy is an important renewable, natural resource which is limited in its statewide distribution. Areas which are endowed with the resource should be considered for prudent development of wind energy. Certain

areas within the Suisun Marsh have been identified as having significant potential for wind energy resource development. Specifically identified are areas west of I-680 and, in the Potrero Hills; however, numerous other areas may have potential for development of private or commercial wind energy machines. Installation of wind turbines in the Suisun Marsh could have a significant impact upon maintenance of the area in its present natural state, on Marsh wildlife, and on the visual characteristics of the marsh. Therefore, careful consideration will need to be given projects on a case by case basis to ensure that significant adverse ecological or aesthetic impacts on the marsh will be avoided. The County's objective is to balance the prudent use of wind resources of the marsh with the need to protect and maintain its essential environmental qualities. The following should be followed in siting wind energy projects: (1) Commercial wind turbine generators should be permitted in the secondary management area only. (2) Projects should not be allowed to proliferate in the marsh, but should be allowed only where monitoring has shown productivity to be feasible. (3) The location and density of machines should not substantially alter the principal (agricultural or wetland) allowed uses in the marsh. (4) Roads and utility transmission lines to serve machines and transmit power from machines must be installed in conformance with provisions of the Suisun Marsh Preservation Act (5) In order to protect the biological resources of the marsh, the design, density, height, noise level, illumination and location of wind turbine generators and ancillary facilities should minimize or avoid the following adverse effects: collision hazards for birds, interference with migratory flight patterns or disturbance of wildlife habitat. Design considerations of importance should include non-synchronous machines, low-noise design, subdued security lighting and minimal tower lighting. (6) All construction must be carried out so as to minimize erosion and prevent sedimentation in the marsh. (7) The installation and operation of wind turbine facilities must protect the visual characteristics of the marsh. In order to minimize the impact upon the aesthetics of the marsh as a natural open space area, wind turbine generators and ancillary facilities should be designed and sited to complement the natural landscape whenever feasible, consistent with the following guidelines: colors should blend with the landscape; lighting should be subdued and be provided for safety and security reasons only; and facilities should be located off the ridgeline unless to do so would result in higher tower height, significant grading or cut and fill.

## **RECREATION AND MARSH ACCESS**

The Suisun Marsh is an 85,000 acre natural recreational area of statewide significance. The area provides for a variety of recreational opportunities on both private and public lands. Duck hunting is the major recreational activity in the marsh occurring from late October until January. Fishing accounts for nearly as much recreational use in the Marsh as duck hunting. In addition, several other forms of recreation such as water sports, upland game hunting, and wildlife observation are popular in the Marsh.

The importance of the Marsh as a recreational area can be seen in the amount of land which is given over to duck hunting. The General Plan's land use diagram identifies two recreational sites in the Marsh. A Wildlife Interpretive Center is planned to be developed near the intersection of

Hill Slough and Grizzly Island Road. Beldon's Landing is developed with fishing and boat launch facilities.

Rush Ranch is a 2,070 acre ranch located on Grizzly Island Road, approximately two miles south of Highway 12. The ranch is owned and operated by the Solano Land Trust. The site includes historic buildings, self-guided hiking tours, educational facilities and a nature center which showcases many of the historic and natural features of the property.

In addition to the above mentioned recreational sites, a number of more passive recreational areas exist in the Marsh. Passive recreational opportunities will be provided at the following areas:

- The 1,112 acre Hill Slough Wildlife area extends along Grizzly Island Road from Hill Slough to State Route 12. Levee construction will return some lands to wetland status and provide public hiking trails.
- The Peytonia Slough Ecological Reserve is a 206 acre area directly south of the City of Suisun City open for public hiking, fishing and wildlife observation.

A number of recreational oriented commercial uses exist in the Marsh. These uses, which include Little Honker Bay Resort, Pierce Harbor, Suisun Pacific Marina, Port of Suisun Marina, and City of Benicia Marina, are located on the edge of the Marsh accessible to the general public. As the demand for recreation increases, there may be a need for more such facilities or expansion of existing facilities.

The vast open expanse of the Suisun Marsh is the location of many recreational activities. The Marsh is well known for waterfowl hunting. In addition, several other forms of recreation, including fishing, upland game hunting, and water sports, are also popular. Nevertheless, there are opportunities for a greater diversity and amount of public recreation in the Marsh.

The recreation values of the Marsh, particularly for duck hunting, have been a significant factor in its preservation. Private duck clubs and public agencies, such as the Department of Fish and Game, have made considerable contributions to the improvement of the Marsh habitats for waterfowl as well as other wildlife.

Recreational uses in the Suisun Marsh should be guided through the following policies:

- |          |   |
|----------|---|
| SM.P-36: | Within the Suisun Marsh, provision should be made for public and private recreational development to allow for public recreation and access to the Marsh for such uses as fishing, hunting, boating, picnicking, hiking and nature study. |
| SM.P-37: | Recreational uses in the Marsh should be located on the outer portions near population centers and easily accessible from existing roads.   |
| SM.P-38: | Recreational activities that could result in adverse impacts on the environment for the Suisun Marsh should not be permitted.   |
| SM.P-39: | Public access at appropriate locations shall be provided and protected along the county's significant waterways within the Suisun Marsh to the maximum extent feasible.   |

- SM.P-40: Additional land should be acquired within the Suisun Marsh to provide for increased public duck hunting recreational use and additional refuge areas for waterfowl during the hunting season. Acquisition priority should be given to those lands not now operated as managed wetlands.
- SM.P-41: Land should also be purchased for public recreation and access to the Marsh for such uses as fishing, boat launching, nature study, and for scientific and educational uses. These areas should be located on the outer portions of the Marsh near the population centers and easily accessible from existing roads. Improvements for public use should be consistent with protection of wildlife resources.
- SM.P-42: Public agencies acquiring land in the Marsh for public access and recreational use should provide for a balance of recreational needs by expanding and diversifying opportunities for activities such as bird watching, picnicking, hiking, and nature study.
- SM.P-43: Agencies administering land acquired for public access and recreational use should be responsible for maintaining the areas and controlling their use. Signing on roads leading into the Marsh and maintained litter receptacles at major public use areas should be provided by the appropriate local or state agency to prevent littering and vandalism to public and private property.
- SM.P-44: Recreational activities that could result in adverse impacts on the environmental or aesthetic qualities of the Suisun Marsh should not be permitted. Levels of use should also be monitored to ensure that their intensity is compatible with other recreation activities and with protection of the marsh environment. For example, boat speeds and excessive noise should be controlled and activities such as water skiing should be kept at an acceptable level.

## SCENIC RESOURCES

The policies set forth below provide a series of guidelines to be used by the County in its land development guidance procedures within the Suisun Marsh. It is the intent that these provisions be employed as criteria to be adhered to by all future land development which falls within the visual components of any of the designated scenic roadways. Intensive development cannot be visually absorbed into a marsh landscape without seriously disrupting the delicate foreground and unprotected background view components. Intensive development here can also result in disruption of the local ecosystem which supports the marsh and its unique and delicate visual character.

The following policies apply to view components of all designated scenic roadways adjacent to and within the Suisun Marsh:

- SM.P-45: The number of man-made interruptions or incidents along a scenic roadway (housing, commercial uses, signs, driveways, etc.) should be limited to maintain the current visual values as the prevalent feature of the route.



- SM.P-46: Placement of off-site advertising along a designated scenic roadway should be prohibited, except where provisions are made, as part of a standardized, public, on-road sign program, for providing signing within the roadway right-of-way for roadway related services. Such a program could provide a series of signs of similar design, identifying food, lodging, and other road-related services by type and by the symbol or logotype of the proprietor.
- SM.P-47: Immediately adjoining dryland and upland within and around a marsh area should remain in open space use (grazing, cropland, or other extensive uses) to protect the unique visual character of the landscape.
- SM.P-48: Existing habitats should be protected from encroachment due to their own visual value and their role in maintaining the marsh ecosystem and its overall scenic value.
- SM.P-49: Since such a flat and expansive natural environment tends to exaggerate vertical elements, undergrounding of utility lines is highly recommended.
- SM.P-50: Maintenance and protection of existing windbreaks should be encouraged to provide a contrasting visual element on flatland landscapes and to call attention to distant farm development or to places where major changes occur in the alignment of a scenic roadway.

## **WATER DEPENDENT INDUSTRIAL USES**

The following Water Dependent Industrial policies shall be applicable to the Water Dependent Industrial land use designation, shown on Figure LU-1, within the Suisun Marsh:

- SM.P-51: The upland portion of the Collinsville site, above the 10-foot contour line, presents no significant physical constraints for development and should be reserved for water-related industry use.
- SM.P-52: The low-lying-portion of the Collinsville site, below the 10-foot contour line, does present physical constraints for development and consists of critical marsh-related wildlife habitats. Nevertheless, the portion of this area, which fronts on deep water should be reserved for water-related industry use.
- SM.P-53: Reservation of the Collinsville site for water-related industry use notwithstanding, wetland restoration or enhancement of the area below the 10-foot contour line may occur, provided that the restoration or enhancement program is carried out in a manner that will not preclude use of the deep water shoreline and area above the 10-foot contour line for water-related industry use. Specifically, any wetland restoration or enhancement project should be designed not to restrict possible future development and operation of marine terminals and marine terminal berths on the deep water shoreline and the movement of waterborne cargo, materials, and products from the shoreline terminal to the upland portions of the site.

- SM.P-54: A program to prevent accidental spills of toxic and hazardous materials entering Montezuma Slough should be developed by industries constructing marine terminal facilities at Collinsville. Prior to the use of such facilities, equipment required to carry out the prevention program should be installed at the appropriate location at or adjacent to the mouth of Montezuma Slough.
- SM.P-55: The remaining areas of lowland grassland and seasonal marsh in the Collinsville site should be preserved and, whenever possible, enhanced or restored for their intrinsic value as marsh-related wildlife habitat and to act as a buffer between the Suisun Marsh and industrial and port activities. There are several land uses that could occur in this area. The existing agricultural use - cattle grazing - could be continued. Portions of the area should also be restored to wetland status, either as tidal marsh or managed wetlands. Dredged materials may be used in any wetland enhancement or restoration program when such activity will be conducted without adverse environmental impacts on the Marsh.
- SM.P-56: All future industrial development adjacent to the Suisun Marsh and within areas reserved for water-related industry should conform to the following planning guidelines:
- a. Industrial activities should not have the potential to cause significant adverse impacts on the Suisun Marsh. In particular, water quality should be maintained by ensuring that no hazardous or toxic materials could be introduced into the Marsh sloughs and by prohibiting activities that could alter the temperature salinity or turbidity of the water. Construction of necessary access routes across wetlands should result in the minimum possible disturbance to the ecosystems and wildlife. Pipelines should be installed using the procedures described in the Utilities, Facilities, and Transportation section of this Chapter. Conveyor belts and railroads should be constructed on trestles, except in situations such as along the western boundary of the Collinsville water-related industry area, where a railroad may be constructed on fill in order to provide a dike separating industrial facilities from wetlands.
  - b. The construction and development of any industrial facilities adjacent to and upstream from the Suisun Marsh should comply with the policies of the Water Supply and Quality section of this Chapter and all applicable State and Federal water and air quality standards.
  - c. Industrial facilities should not be located directly adjacent to the Suisun Marsh. A buffer area should be provided to reduce adverse environmental impacts on the Marsh.
  - d. Development of industrial sites should not result in the construction of physical barriers, such as freeways, fences, or exposed pipelines, that impede the movement of wildlife. In addition, construction of

very tall structures with which wildlife is prone to collide, especially during migrations and in bad weather, should be avoided. Industrial facilities adjacent to wildlife areas that deter the landing of wildlife should also be avoided. However, the type, size, and location of structures that would be hazardous to wildlife are difficult to generalize. Therefore, decisions should be made on a case by case basis to ensure that structures in the vicinity of the Marsh are located and constructed to avoid, to the maximum extent feasible, interference with the flight or migration patterns of wildlife.

- e. Industry sites should be developed to allow the most efficient use of the shoreline. For example, in the Collinsville site, wharves constructed along the shoreline in the area reserved for water-related industry, in addition to any petroleum dock which may be needed, should be shared to the maximum extent feasible by industries locating in the water-related industry area.
- f. Storage of raw materials, fuel, or products should not be permitted at the shoreline on a permanent or long-term basis. The waterfront is too scarce and valuable a resource to accommodate uses, such as storage, that could be located farther inland.
- g. Industrial facilities should be located and designed to avoid visual intrusion on the Suisun Marsh. Where sloping land is to be used for industrial development, it should be terraced rather than leveled, and soil erosion and storm water runoff should be controlled. Buildings should have a low profile and not be highly visible against the skyline, should be well-designed and unobtrusive in appearance, and should use colors and materials compatible with the surrounding landscapes. Appropriate landscaping should be used to reduce the impact of industrial structures on views from the Suisun Marsh.
- h. Because the industrial waterfront is attractive and interesting to many people, public access to the shoreline should be provided wherever feasible, unless it will result in interference with industrial activities or hazards to the public. Public access to exceptional natural features within industrial areas should also be provided wherever feasible.

## **POLICIES REGULATING SEWAGE DISPOSAL SYSTEMS WITHIN THE SUISUN MARSH**

Portions of the Suisun Marsh Preservation Act and the Suisun Marsh Protection Plan are directed toward maintenance of water quality through controls on individual sewage disposal systems, a

responsibility of the Solano County Department of Resource Management, Environmental Health Services Division.

The specific requirement directed to the Solano County Department of Resource Management, Environmental Health Services Division, is found in Section 29401(c) of the Suisun Marsh Preservation Act: "Within the marsh, the Local Protection Program shall include but not be limited to ... (e)nforceable standards for the operation of septic tanks and wastewater discharges."

The rationale for this requirement and additional details are in Policy No. 5 of the Utilities, Facilities and Transportation Section of the Suisun Marsh Protection Plan (February 2008 reprint edition), which states;

5. Because septic tanks do not function properly in the wetland area, the Solano County Department of Resource Management should continue to work with landowners to phase out existing septic systems in the wetlands and require new systems that would properly dispose of wastes as required by the Solano County Department of Resource Management and the Regional Water Quality Control Board.

The Department of Resource Management, Environmental Health Services Division, has responsibilities in the Marsh to control wastewater discharges from septic systems through enforcement of Solano County Code Chapter 6.4, which establishes a comprehensive, uniform set of sewage disposal standards for Solano County.

In 1975, Solano County enacted an ordinance (No. 888) to regulate individual sewage disposal systems. In July of 2001 revisions to Solano County Code were approved as Chapter 6.4, Sewage Disposal Standards. These standards were amended again in December of 2004 and are applicable within the Suisun Marsh. Under Chapter 6.4, a permit from the Health Services Division is required to repair, modify or construct waste disposal systems. Minimum criteria for the siting and construction of a septic tank/leachfield system include soil typing and identification, percolation rate, soil depth, depth and separation to ground water, ground slope, and adherence to setbacks, including setbacks to surface water. The use of vaults or holding tanks is allowed for specific circumstances such as for duck clubs in the primary area of the Suisun Marsh.—Additional changes in the ordinance which help to improve environmental conditions include requirements for site evaluations by professional consultants to identify and mitigate separation to groundwater and the requirement for alternative type septic systems. Alternative systems provide improved effluent distribution throughout the disposal field, have high-level alarms in the dosing tank, require evidence of a maintenance contract with a service provider and ongoing monitoring, and may require pre-treatment devices that produce a higher quality effluent than effluent from conventional septic systems.

As indicated in the Marsh Plan, septic tank/leachfield systems do not operate at optimum efficiency in wetland areas and in general, site conditions for the Primary Management Area of the Marsh will not meet minimum requirements for the construction of a new standard-type on-site sewage disposal system. An improper sewage disposal system, once identified, shall be replaced with an on-site sewage disposal system which meets the requirements of the Solano County Code. Sites which cannot accommodate a conventional in-ground leaching system due to site conditions may be replaced with alternative type sewage disposal systems if conditions allow, or, as a last resort, may be replaced with holding tanks. The Department of

Resource Management, Environmental Health Services Division, is responsible for enforcement of Solano County Code, Chapter 6.4 Sewage Disposal Standards. These standards, which implement the following sewage disposal policies, are applicable to individual sewage disposal systems in the Suisun Marsh.

SM.P-57: Property owners within wetland areas are urged to seek departmental assistance to alleviate potential water quality problems resulting from malfunctioning individual sewage systems.

SM.P-58: Where it is determined that an individual sewage system does not function properly, the nuisance shall be abated and, if appropriate, the on-site sewage disposal system shall be repaired or replaced in accordance with Solano County Code, Chapter 6.4, Sewage Disposal Standards.

## Part II-A – Solano County Code

### Chapter 28, Section 28.01

#### Definitions (Excerpts)

**Complementary Commercial Facility.** A small commercial facility which complements and supports marsh oriented recreational uses, such as a bait shop, a small boat rental, or a refreshment stand.

**Hunting and Fishing Club.** A facility, place or building licensed as a commercial hunting club under State Fish and Game Code 3240.5 or licensed as a game bird club under State Fish and Game Code 3270, including approved incidental uses to the licensed facilities. Facilities may include cooking facilities and sleeping quarters or bunkhouses for limited stays of not more than six months. Facilities must be connected to an approved sewage disposal system.

**Marsh Oriented Recreation.** Marsh-oriented recreational uses and use incidental to recreation, including park, interpretive center, day-use facility, lodge, club or resort for swimming, boating, sailing, fishing, hunting or shooting, and raising of game, fishing pier and boat ramp, small craft docking and storage incidental to a small craft docking facility; commercial recreation uses, including bait shop and refreshment stand, and similar types of uses as may be determined by the Planning Commission.

## **Part II-B – Solano County Code**

### **Chapter 28, Section 28.22**

### **Suisun Marsh Agricultural (A-SM) Districts (Full Section)**

#### **Section 28.22 – SUISUN MARSH AGRICULTURAL (A-SM) DISTRICTS**

Subsections:

28.22.10 – Suisun Marsh Agriculture Districts

28.22.11 – Purposes of Suisun Marsh Agricultural Districts

28.22.20 – Suisun Marsh Agricultural District Land Uses and Permit Requirements

28.22.30 – Suisun Marsh Agricultural District Development Standards

#### **28-22.10 – Suisun Marsh Agriculture Districts**

This section includes regulations for the A-SM-80 and A-SM-160 zoning districts.

#### **28.22.11 – Purpose of Suisun Marsh Agriculture Districts**

This Section lists the uses of land that may be allowed within the Suisun Marsh Agricultural zoning districts, established by Section 28.13 (Districts Designated and Established). It also determines the type of land use approval required for each type of use and provides general standards for site development.

Agriculture is the major industry in Solano County, generating the majority of the tax revenue in the unincorporated County. In addition, certain agricultural lands serve an important function in buffering contiguous environmentally sensitive lands of the Suisun Marsh from the effects of urbanization. Therefore, the Board of Supervisors has determined that it is in the interest of the County to prevent further encroachment upon such agricultural lands by incompatible uses of property.

The purpose and intent of the A-SM districts is to preserve lands best suited for permanent agricultural use while limiting certain intensive agricultural practices which may conflict with adjoining sensitive lands. A primary intent of the A-SM districts is to assure the retention of upland and lowland grasslands adjacent to the Suisun Marsh in uses compatible with its protection.

## **28.22.20 – Suisun Marsh Agricultural District Land Uses and Permit Requirements**

### **A. Allowed Uses and Permit Requirements**

Table 28-22A identifies the land uses allowed by this Zoning Ordinance in each Suisun Marsh Agricultural district and the land use permit required to establish each use. In addition to the land use permit required by Table 28-22A, special requirements may apply to certain uses.

### **B. Marsh Development Permit Requirements**

Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit pursuant to the Suisun Marsh Preservation Act of 1977, and as provided for in Section 28.104 of this Code. When a land use subject to a marsh development permit is proposed in both the Primary Management Area and Secondary Management Area, as defined in the Suisun Marsh Preservation Act of 1977, the land use shall be subject to a use permit covering the whole of the project.

### **C. Architectural Review**

Architectural Approval may be required for certain uses, in compliance with Section 28.102 (Architectural Approval).

### **D. Building Permits**

A Building Permit shall be required prior to any construction.

### **E. Land Use Regulations**

Where the last column in Table 28.22A (Land Use Regulations) includes a section number, e.g. 28.70.10, the zoning regulations in the referenced section apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced Solano County Code apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

### **F. Non-Conforming Uses**

Within the Suisun Marsh, as defined by Section 29101 of the Public Resources Code, uses established prior to 1977 that do not conform to the uses set forth in Table 28-22A shall be considered nonconforming uses under Section 28.114, except that non-substantial changes, alterations, and additions to nonconforming uses may be allowed within the existing established project footprint area subject to a marsh development permit, pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this code. The overall existing development area may not be expanded under these provisions. Development within the existing development area should minimize additional impervious surfaces. An adequate buffer should be established or maintained between the development areas and any water, wetlands, or other Marsh habitat to protect the habitat from adverse environmental impacts. An erosion, sediment, and runoff control plan shall be prepared in accordance with Section 31.26(b) of the Solano County Grading, Drainage, Land Leveling and Erosion Control Ordinance. When the non-conforming use is located in both the Primary and Secondary Management Areas, as defined by the Suisun Marsh Preservation Act of 1977, non-substantial changes, alterations, and



additions to the nonconforming use shall be subject to a use permit covering the whole of the project.

#### **G. Site Development and Other Standards**

All uses shall comply with the provisions of Article IV, Section 28-90 Site Development and Other Standards, which includes standards for parking, signs, and other project elements.

<b>Table 28.22A TABLE OF ALLOWED USES</b>		
<b>A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit, UP = Use Permit, - - - = Prohibited</b>		
<b>ALLOWED USES</b>	<b>Permit Requirements</b>	<b>Land Use Regulations</b>
See Definitions Section 28.10	<b>AL-80 and AL-160<sup>(1)</sup> Zoning Districts</b>	See Section 28.70.10
<b>28.71 AGRICULTURAL USES</b>		
<b>A. CROP PRODUCTION AND GRAZING</b>		
Agricultural accessory buildings	A	28.71(A) & (B)(1)
Cultivated and irrigated farming	A <sup>(2)</sup>	
Non-irrigated and non-cultivated farming	A <sup>(2)</sup>	
Grazing	A <sup>(2)</sup>	
Pastured Poultry		
Not adjacent to a R District	A	28.71.10(A) & (B)(4)
Adjacent to a R District	MUP	28.71.10(A) & (B)(4)
With an agricultural commercial kitchen	- - -	
With sales	- - -	
With Special events	- - -	
With more than 4 crowing fowl	UP	28.71.10(A) & (B)(4)
<b>B. AGRICULTURAL PROCESSING USES</b>		
None allowed		
<b>C. ANIMAL FACILITIES AND OPERATIONS</b>		
None allowed		
<b>D. OTHER AGRICULTURAL OPERATIONS</b>		
Agricultural employee housing	AP	28.71.40(A) & (B)(1)
HCD Agricultural employee housing	A	28.71.40(A) & (B)(3)
Temporary commercial coach	AP	28.71.40(A) & (B)(5)
<b>28.72 RESIDENTIAL USES</b>		
<b>A. DWELLINGS</b>		
Primary Dwelling <sup>(3)</sup>	A	28.72.10(A)
Secondary Dwelling	A	28.72.10(A) & (B)(6)
Second Kitchen	AP	28.72.10(A) & (B)(7)
<b>B. TEMPORARY RESIDENTIAL USES</b>		
Temporary single family dwelling	AP	28.72.20(A) & (B)(6)
<b>C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE</b>		
Small kennels and catteries	AP	28.72.30(A) & (B)(3)
<b>D. OTHER RESIDENTIAL USES</b>		
Home occupation, Type I	A	28.72.40(A) & (B)(2)

Table 28.22A TABLE OF ALLOWED USES

A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit,  
UP = Use Permit, - - - = Prohibited

ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	AL-80 and AL-160 <sup>(1)</sup> Zoning Districts	See Section 28.70.10
<b>28.73 RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES</b>		
<b>A. RECREATION USES</b>		
Marsh oriented recreation	UP	28.73.10(A) & (B)(1)
Public open space area	A	28.73.10(A)
Stable, public without Horse Shows	UP	28.73.10(A) & (B)(3)
<b>B. EDUCATION USES</b>		
Agricultural Education, Minor Facility	AP	28.73.20(A) & (B)(1)
Marsh Education	UP	28.73.20(A)
<b>C. PUBLIC ASSEMBLY USES</b>		
Special Events Facility (other than Winery or Agricultural Processing Facility)		
6 per year max, and 150 persons or less	AP	28.73.30(A) & (B)(6)
12 per year max, and 150 persons or less	MUP	28.73.30(A) & (B)(6)
More than 12 per year, or more than 150 persons	UP	28.73.30(A) & (B)(6)
<b>28.74 RETAIL AND OFFICE USES</b>		
<b>A. RETAIL USES</b>		
None Allowed		
<b>B. OFFICE USES</b>		
Agricultural research facility, Small	UP	28.74.20(A) & (B)(1)
Marsh research facility	UP	28.74.20(A)
<b>28.75 TOURIST USES</b>		
<b>A. AGRITOURISM</b>		
None Allowed		
<b>B. TEMPORARY AGRITOURISM</b>		
None Allowed		
<b>28.76 COMMERCIAL SERVICE USES</b>		
<b>A. AGRICULTURAL SERVICES</b>		
None Allowed		
<b>B. COMMERCIAL SERVICES</b>		
None Allowed		
<b>28.77 INDUSTRIAL, MANUFACTURING, PROCESSING AND WHOLESALE USES</b>		
<b>A. INDUSTRIAL, MANUFACTURING AND PROCESSING USES</b>		
None Allowed		
<b>B. WHOLESALE USES</b>		
None Allowed		
<b>28.78 COMMUNICATION, INFRASTRUCTURE AND SERVICE USES</b>		
<b>A. COMMUNICATION USES</b>		
Wireless communication facility		
Co-location	MUP	28.81
New tower	UP	28.81

**Table 28.22A TABLE OF ALLOWED USES**

A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit,  
UP = Use Permit, - - - = Prohibited

ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	AL-80 and AL-160 <sup>(1)</sup> Zoning Districts	See Section 28.70.10
<b>B. INFRASTRUCTURE USES</b>		
Commercial wind turbine generator	UP	28.80
Extraction and Removal of Minerals or Natural Materials from Quarries and Borrow Areas existing as of January 1, 1982	UP	28.78.20(A)
Non-commercial wind turbine		
100 feet or less in height	A	28.80
Over 100 feet in height	- - -	28.80
Oil or Gas Well <sup>(4)</sup>	AP	28.78.20(A) & (B)(7)
Pipeline, transmission, or distribution line, in R.O.W.	A	28.78.20(A) & (B)(8)
Utility facilities or infrastructure, outside of R.O.W.	UP	28.78.20(A) & (B)(9)
Waste disposal, processing, and composting	UP <sup>(5)</sup>	28.78.20(A) & (B)(3)
<b>C. PUBLIC SERVICE USES</b>		
Public Service Facility	UP	28.78.30(A) & (B)(4)
<b>D. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE</b>		
Meteorological Tower, 100 feet or less in height	AP	28.78.20(A) & (B)(6)
Meteorological Tower, greater than 100 feet in height	MUP	28.78.20(A) & (B)(6)
<b>28.79 RESOURCE CONSERVATION USES</b>		
Conservation and Mitigation Bank	UP	28.79.10(A)

Notes:

- Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit pursuant to the Suisun Marsh Preservation Act of 1977, and as provided for in Section 28.104 of this Code.
- Management of wetlands and agricultural operations, with emphasis on grain and hay crop production, pasture, grazing, and the growing of plants and natural feed important to wildlife habitat.
- Buildings and uses clearly accessory or incidental to any permitted use located on the premises, including a one-family dwelling or a manufactured dwelling, barns, private stables, sheds, and other associated buildings.
- Oil wells not permitted in the Suisun Marsh Primary and Secondary Management Areas.
- During or subsequent to final closure of any waste disposal site, the Planning Commission may approve any beneficial reuse of the waste disposal site that (1) is

compatible with the approved closure and/or post-closure plans for the site, (ii) would not be detrimental to existing or anticipated agricultural land uses in the vicinity, and (iii) would not subject occupants of the site, neighbors, or the environment, to risks associated with the wastes which have been disposed of at the site.

#### 28.22.30 – Suisun Marsh Agricultural District Development Standards

Subdivision, new land uses, main buildings including primary and secondary dwellings, and alterations to existing land uses and buildings, shall be designed, constructed, and/or established in compliance with the applicable development standards delineated or referenced in Table 28-22B.

<b>TABLE 28.22B</b>	
<b>DEVELOPMENT STANDARDS FOR MAIN BUILDING, ACCESSORY STRUCTURES, AND USES</b>	
<b>MAIN BUILDING, ACCESSORY STRUCTURES, AND USES</b>	
<b>Minimum Lot Area</b>	AL-80 = 80 acres AL-160 = 160 acres
<b>Setbacks</b>	
Front	Thirty feet; except that buildings shall not be less than fifty feet from the centerline of the street, and unless otherwise indicated by building lines on the zoning maps.
Sides (each)	20 feet
Rear	25 feet
Between structures	10 feet
<b>Height limit</b>	Thirty-five feet; and as allowed by 28-93 Special regulations
<b>OTHER STANDARDS</b>	
<b>Parking Requirements</b>	Parking shall be provided in conformance with the parking standards in Section 28.94
<b>Signs</b>	All signs shall comply with the sign requirements in Section 28.96

# **Part II-C – Solano County Code**

## **Chapter 28, Section 28.32**

### **Residential-Traditional Community (R-TC) Districts (Portions of section applicable to R-TC-4 District)**

#### **Section 28.32 – RESIDENTIAL TRADITIONAL COMMUNITY (R-TC) DISTRICTS**

Subsections:

28.32.10 - Purpose of Section

28.32.11 - Purposes of Traditional Community Residential Districts

28.32.20 - Residential - Traditional Community District Land Uses and Permit Requirements

28.32.30 - Residential - Traditional Community District Development Standards

#### **28.32.10 – Residential – Traditional Community Districts**

This section includes regulations for the following zoning districts:

Residential – Traditional Community (R-TC) Districts

Residential – Traditional Community Mixed Use (R-TC-MU) Districts

#### **28.32.11 – Purpose of Residential – Traditional Community Districts**

This Section lists the uses of land that may be allowed within the traditional community residential areas of the County represented by the Residential – Traditional Community (R-TC) zoning districts. It also determines the type of land use approval required for each use within each district, and provides general standards for site development.

Residential – Traditional Community districts recognize current residential and mixed-use communities located outside agricultural or municipal service areas where previous development has occurred at higher densities or intensities than currently allowed under County policy. It is the intent to preserve and enhance the character and quality of these communities and promote future infill residential and mixed use development but not to expand the area of these communities.

The R-TC Districts replace the following previous districts:

R-TC-1AC	replaces	RE-1;
R-TC-20	replaces	RE-1/2
R-TC-15	replaces	RE-1/3
R-TC-10	replaces	RE-1/4
R-TC-6	replaces	R-S-6
R-TC-5	replaces	R-S-5
R-TC-D-4	replaces	R-D (Starr Subdivision)
R-TC-D-6	replaces	R-D (Homeacres)
R-TC-MF	replaces	R-M

The purpose of the different residential – traditional community zoning districts and the manner in which they are applied are as follows:

**A. Residential – Traditional Community (R-TC) Districts**

The R-TC zoning districts are intended for areas that have previously been subdivided for single family residential development and provide the community services appurtenant thereto. The regulations for these districts are designed to stabilize and protect the residential characteristics of the districts, to promote and encourage a suitable environment for family life. Nine R-TC zoning districts are denoted with a suffix to indicate the minimum parcel size (e.g. R-TC-4 requires a minimum parcel size of 4,000 square feet), minimum building setbacks, and other requirements. The R-TC zoning districts are consistent with and implement the Traditional Community - Residential land use designation of the General Plan as follows:

Birds Landing	R-TC-1AC
Collinsville Township	R-TC-4
Cordella area	R-TC-15
Elmira area	R-TC-1AC and R-TC-20
Fairfield Unincorporated area	R-TC-1AC, R-TC-20, R-TC-10 and R-TC-D
Green Valley area	R-TC-1AC, R-TC-20, and R-TC-15
Rockville Corners	R-TC-1AC
Snug Harbor area	R-TC-10
Vallejo Unincorporated area	R-TC-20, R-TC-10, R-TC-6, R-TC-5, R-TC-D & R-TC-MF
Willotta Oaks area	R-TC-15, R-TC-10

**28.32.20 – Residential - Traditional Community District Land Uses and Permit Requirements**

**A. Allowed Uses and Permit Requirements**

Tables 28.32A and 28.32B identify the land uses allowed by this Zoning Ordinance in each residential-traditional community district and the land use permit required to establish each use. In addition to the land use permit required by Tables 28.32A and 28.32B, special requirements may apply to certain uses.

**B. Marsh Development Permit Requirements**

Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit, pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this Code. When a land use subject to a marsh development permit is proposed in both the Primary Management Area and

Secondary Management Area as defined in the Suisun Marsh Preservation Act of 1977, the land use shall be subject to a use permit covering the whole of the project.

**C. Architectural Review**

Architectural Approval may be required for certain uses, in compliance with Section 28.102 (Architectural Approval).

**D. Building Permits**

A Building Permit shall be required prior to any construction.

**E. Land Use Regulations**

Where the last column in Table 28.32A or 28.32B ("Land Use Regulations") includes a section number, e.g. 28.70.10, the zoning regulations in the referenced section apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced Solano County Code apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

**F. Non-Conforming Uses**

Within the Suisun Marsh, as defined by Section 29101 of the Public Resources Code, uses established prior to 1977 that do not conform to the uses set forth in Table 28-32B shall be considered nonconforming uses under Section 28.114, except that non-substantial changes, alterations, and additions to nonconforming uses may be allowed within the existing established project footprint area subject to a marsh development permit, pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this Code. The overall existing development area may not be expanded under these provisions. Development within the existing development area should minimize additional impervious surfaces. An adequate buffer should be established or maintained between the development areas and any water, wetlands, or other Marsh habitat to protect the habitat from adverse environmental impacts. An erosion, sediment, and runoff control plan shall be prepared in accordance with Section 31.26(b) of the Solano County Grading, Drainage, Land Leveling and Erosion Control Ordinance. When the non-conforming uses is located in both the Primary Management Area and Secondary Management Area, as defined by the Suisun Marsh Preservation Act of 1977, non-substantial changes, alterations, and additions to the nonconforming use shall be subject to a use permit covering the whole of the project.

**G. Site Development and Other Standards**

All uses shall comply with the provisions of Article IV, Section 28-90 Site Development and Other Standards which includes standards for parking, signs and other project elements.

**Table 28.32B TABLE OF ALLOWED USES**

**A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit, UP = Use Permit, - - - = Prohibited**

<b>ALLOWED USES</b>	<b>Permit Requirements</b>	<b>Land Use Regulations</b>
See Definitions Section 28.10	<b>R-TC-4 District<sup>(1)</sup></b>	See Section 28.70.10
<b>28.71 AGRICULTURAL USES</b>		
None allowed		
<b>28.72 RESIDENTIAL USES</b>		
<b>A. DWELLINGS</b>		
Accessory buildings and uses <sup>(2)</sup>		
Accessory building greater than 2,500 square feet in size <sup>(3)</sup>	A	28.72.10 (A) & (B)(1)
Accessory buildings, aggregate: 1) greater than 2,500 square feet in size combined on a lot 4 acres or less; or, 2) greater than 5,000 square feet in size combined on a lot greater than 4 acres <sup>(3)</sup>	MUP	28.72.10 (A) & (B)(1)
Primary Dwelling <sup>(3)</sup>	A	28.72.10(A)
Secondary Dwelling	A	28.72.10(A) & (B)(6)
Second Kitchen	AP	28.72.10(A) & (B)(7)
<b>B. TEMPORARY RESIDENTIAL USES</b>		
Temporary emergency dwelling	AP	28.72.20(A) & (B)(3)
Temporary manufactured home storage	AP	28.72.20(A) & (B)(4)
Temporary occupancy of existing dwelling while replacement dwelling is under construction	AP	28.72.20(A) & (B)(5)
Temporary single family dwelling <sup>(4)</sup>	AP	28.72.20(A) & (B)(6)
<b>C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE</b>		
None allowed		
<b>D. OTHER RESIDENTIAL USES</b>		
Home occupation		
Type I	A	28.72.40(A) & (B)(2)
Type II	AP	28.72.40(A) & (B)(2)
Temporary subdivision sales office	MUP	28.72.40(A) & (B)(3)
<b>28.73 RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES</b>		
None allowed		
<b>28.74 RETAIL AND OFFICE USES</b>		
None allowed		
<b>28.75 TOURIST USES</b>		
None Allowed		
<b>28.76 COMMERCIAL SERVICE USES</b>		
None Allowed		
<b>28.77 INDUSTRIAL, MANUFACTURING, PROCESSING AND WHOLESALE USES</b>		
None Allowed		
<b>28.78 COMMUNICATION, INFRASTRUCTURE AND SERVICE USES</b>		
<b>A. COMMUNICATION USES</b>		
Wireless communication facility		
Co-location	MUP	28.81
New tower	UP	28.81



**Table 28.32B TABLE OF ALLOWED USES**

A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit,  
UP = Use Permit, - - - = Prohibited

ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	<b>R-TC-4 District<sup>(1)</sup></b>	See Section 28.70.10
<b>B. INFRASTRUCTURE USES</b>		
Pipeline, transmission, or distribution line, in R.O.W.	A	28.78.20(A) & (B)(8)
Utility facilities or infrastructure, outside of R.O.W.	UP	28.78.20(A) & (B)(9)
<b>C. PUBLIC SERVICE USES</b>		
None allowed		
<b>D. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE</b>		
None allowed		
<b>28.79 RESOURCE CONSERVATION USES</b>		
None allowed		

Notes:

1. Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit, pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this Code.
2. Accessory building: (a) Does not include a guest house, and (b) may be established prior to construction or installation of a dwelling on the same property.
3. Use permit approval is required by the Zoning Administrator only, unless otherwise referred to the Planning Commission by the Zoning Administrator. Aggregate square footage shall include all accessory buildings, except as follows: (a) Any structure used for the keeping of animals, such as a stable or corral, or for crop storage, which is unenclosed with an open side and no flooring, shall not required a use permit and shall not be counted as part of the aggregate total for accessory buildings; and (b) Any structure 120 square fee in size or less and exempt from the permit requirements of County Building Code shall not be counted as part of the aggregate total for accessory buildings.
4. Allowed only when the primary dwelling is under construction, and the temporary dwelling is installed on a temporary foundation.

### **28.32.30 – Residential – Traditional Community District Development Standards**

#### **A. General Site and Building Standards**

Subdivision, new land uses, main buildings inclusive of primary dwellings, secondary dwellings, and alterations to existing land uses and buildings, shall be designed, constructed, and/or established in compliance with the applicable development standards delineated or referenced in Tables 28-32C.

<b>TABLE 28.32C</b>	
<b>DEVELOPMENT STANDARDS FOR MAIN BUILDING<sup>(1)</sup> AND SECONDARY DWELLING</b>	
<b>Development Feature</b>	<b>Requirement for R-TC-4 Zoning District</b>
<b>Minimum Lot Area<sup>(2)</sup></b>	4,000 s.f. <sup>(3)</sup>
<b>Dwelling Size</b>	Minimum or maximum floor area for new dwelling
Primary Dwelling	1,000 square foot minimum
Secondary Dwelling	N/A
<b>Setbacks<sup>(4)</sup></b>	See Section 28.97 for setback measurement.
Front	20 feet <sup>(6)</sup>
Sides (each)	5 feet
Sides (combined)	10 feet
Rear	20% of lot depth, not exceeding 25 feet, and no less than 15 feet
Between structures <sup>(7)</sup>	10 feet between single family dwelling on the same lot when placed side-by-side and 20 feet between such buildings placed in any other manner.
<b>Height limit</b>	35 feet or as allowed by Section 28-93
<b>Parking</b>	As required by Section 28.94 (Parking Requirements) and Section 28.102 (Architectural Approval)

Notes:

1. In any R district, the primary dwelling shall be deemed the main building on the building site on which the same is situated.
2. The following may be used to determine acceptable lot area: (a) The actual number of lots allowed is determined through the applicable subdivision process, based on specific site characteristics and potential environmental impacts, and there is no guarantee that the maximum possible number may be achieved; and (b) Reduced lot area may be allowed with a use permit for specific uses permitted by zoning district, see Section 28-97.
4. Other setbacks may be required for specific uses listed in Table 28-32A and 28-32B, as referenced.
6. Exception: unless otherwise indicated by building lines shown on the zoning maps.
7. Other separation between structures may be required by County Building Code.

**B. Accessory Buildings and Structures Development Standards**

New accessory buildings and other structures including alternations to existing accessory buildings and other structures, shall be designed, constructed, and/or established in compliance with the applicable development standards in Tables 28-32D.

<b>TABLE 28.32D</b>	
<b>DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS AND STRUCTURES <sup>(1)</sup></b>	
<b>Development Feature</b>	<b>Requirement for R-TC-4 Zoning District</b>
<b>Setbacks<sup>(2)</sup></b>	Minimum setbacks required. See Section 28.90 for setback measurement, allowed projections into setbacks, and exceptions. See also: Section 28.72.10 A.1. & B.1. (Accessory buildings and uses, residential)
Attached building	An accessory building attached to the main building shall comply with the setback requirements for the main building.
Detached building	
Front	60 feet or on the rear 50% of the lot
Sides (each)	5 feet
Sides (combined)	10 feet
Rear <sup>(3)</sup>	10 feet
Between structures <sup>(4)</sup>	10 feet from any dwelling or other main building on the same lot
<b>Site Coverage (maximum)</b>	In a required rear setback for the main building; the aggregate total of all accessory buildings shall not occupy more than 30% of the required rear setback area for the main building.
<b>Height Limit</b>	15 feet or as allowed by Section 28.93
<b>Parking</b>	As required by Section 28.94 (Parking Requirements)
<b>Signs</b>	See Section 28.96 (Signs)

Notes:

1. Does not include a secondary dwelling as defined in Section 28.01.
2. Other setbacks may be required for specific uses listed in Table 28-32A and 28-32B, as referenced.
3. The side or rear yard requirements may be waived for an accessory building other than an animal shelter, except that: a) such building shall not be located closer to any side street line than the main building; and, b) such buildings in the aggregate shall not exceed the maximum site coverage in the rear yard for the

main building. Waiver of said requirements shall be subject to provisions set forth in Section 28.108 and notice as set forth in Section 28.04(F) of this Chapter.

4. Other separation between structures may be required by County Building Code.

# **Part II-D – Solano County Code**

## **Chapter 28, Section 28.41**

### **Commercial (C) Districts**

#### **(Portions of section applicable to Commercial Recreation – Limited (C-R-L) District)**

##### **Section 28.41 – COMMERCIAL (C) DISTRICTS**

###### **Subsections:**

28.32.10 - Purpose of Section

28.32.11 – Purpose of Commercial Districts

28.32.20 – Commercial Districts Land Uses and Permit requirements

28.32.30 – Commercial District Development Standards

##### **28.41.10 – Commercial Districts**

This section includes regulations for the following zoning districts:

Highway Commercial (C-H) District

Neighborhood Commercial (C-N) District

Commercial Recreation (C-R) District

Commercial Recreation – Limited (C-R-L)

Commercial-Service (C-S) District

Commercial-Office (C-O) District

##### **28.41.11 – Purpose of Commercial Districts**

This Section lists the uses of land that may be allowed within the areas of the County designated for commercial land uses. It also determines the type of land use approval required for each use within each district, and provides general standards for site development.

The purposes of the different commercial zoning districts are as follows:

**D. Commercial Recreation- Limited (C-R-L) District**

The C-R-L zoning district is intended to provide for limited commercial recreational uses adjacent to the Suisun Marsh compatible with its protection. The C-R-L zoning district is consistent with the Commercial Recreation land use designation of the General Plan within the Secondary Management Area of the Suisun Marsh.

**28.41.20 – Commercial District Land Uses and Permit Requirements**

**A. Allowed Uses and Permit Requirements**

Table 28.41A identifies the land uses allowed by this Zoning Ordinance in each commercial zoning district and the land use permit required to establish each use. In addition to the land use permit required by Table 28.41A, special requirements may apply to certain uses.

**B. Marsh Development Permit Requirements**

Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this Code. When a land use subject to a marsh development permit is proposed in both the Primary Management Area and Secondary Management Area, as defined in the Suisun Marsh Preservation Act of 1977, the land use shall be subject to a use permit covering the whole of the project.

**C. Architectural Review**

Architectural Approval may be required for certain uses, in compliance with Section 28.102 (Architectural Approval).

**D. Building Permits**

A Building Permit shall be required prior to any construction.

**E. Land Use Regulations**

Where the last column in Table 28-41A (Land Use Regulations) includes a section number, e.g. 28.70.10, the zoning regulations in the referenced section apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced Solano County Code apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

**F. Non-Conforming Uses**

Within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, uses established prior to August 4, 1981 that do not conform to the uses set forth in Table 28-41A shall be considered nonconforming uses under Section 28.114, except that non-substantial changes, alterations, and additions to nonconforming uses may be allowed within the existing established

project footprint area subject to a marsh development permit, pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this Code. The overall existing development area may not be expanded under these provisions. Development within the existing development area should minimize additional impervious surfaces. An adequate buffer should be established or maintained between the development areas and any water, wetlands, or other Marsh habitat to protect the habitat from adverse environmental impacts. An erosion, sediment, and runoff control plan shall be prepared in accordance with Section 31.26(b) of the Solano County Grading, Drainage, Land Leveling and Erosion Control Ordinance. When the non-conforming use is located in both the Primary Management Area and Secondary Management Area, as defined by the Suisun Marsh Preservation Act of 1977, non-substantial changes, alterations, and additions to the nonconforming use shall be subject to a use permit covering the whole of the project.

#### **G. Site Development and Other Standards**

All uses shall comply with the provisions of Section 28-90, Site Development and Other Standards, which includes standards for parking, signs, and other project elements.

**Table 28.41A TABLE OF ALLOWED USES**

**A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit,  
UP = Use Permit, - - - = Prohibited**

<b>ALLOWED USES</b>	<b>Permit Requirements</b>	<b>Land Use Regulations</b>
See Definitions Section 28.10	<b>C-R-L<sup>(6)</sup> Zoning District</b>	See Section 28.70.10
<b>28.71 AGRICULTURAL USES</b>		
<b>A. CROP PRODUCTION AND GRAZING</b>		
Agricultural accessory buildings	A	28.71(A) & (B)(1)
Non-irrigated and non-cultivated farming	A	
Grazing	A	
<b>B. AGRICULTURAL PROCESSING USES</b>		
None allowed		
<b>C. ANIMAL FACILITIES AND OPERATIONS</b>		
None allowed		
<b>D. OTHER AGRICULTURAL OPERATIONS</b>		
None allowed		
<b>28.72 RESIDENTIAL USES</b>		
<b>A. DWELLINGS</b>		
Primary Dwelling	A	28.72.10(A)
<b>B. TEMPORARY RESIDENTIAL USES</b>		
None allowed		
<b>C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE</b>		
None allowed		
<b>D. OTHER RESIDENTIAL USES</b>		
None allowed		

**Table 28.41A TABLE OF ALLOWED USES**

A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit,  
UP = Use Permit, - - - = Prohibited

ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	C-R-L <sup>(6)</sup> Zoning District	See Section 28.70.10
<b>28.73 RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES</b>		
<b>A. RECREATION USES</b>		
Commercial Outdoor Recreation		28.73.10(A)
Not including enclosed structures	A	
Including enclosed structures	UP	
Complementary Commercial Facility	UP	
Marina		
Boat launching facility	UP	
Boat and boat trailer storage	UP	
Boat construction, service, sales and repair	UP	
Marsh oriented recreation	UP	28.73.10(A) & (B)(1)
<b>B. EDUCATION USES</b>		
Ecological and Agricultural Education	UP	
<b>C. PUBLIC ASSEMBLY USES</b>		
None allowed		
<b>28.74 RETAIL AND OFFICE USES</b>		
None Allowed		
<b>28.75 TOURIST USES</b>		
None Allowed		
<b>28.76 COMMERCIAL SERVICE USES</b>		
None Allowed		
<b>28.77 INDUSTRIAL, MANUFACTURING, PROCESSING AND WHOLESALE USES</b>		
None Allowed		
<b>28.78 COMMUNICATION, INFRASTRUCTURE AND SERVICE USES</b>		
<b>A. COMMUNICATION USES</b>		
None allowed		
<b>B. INFRASTRUCTURE USES</b>		
Commercial wind turbine generator	- - -	
Non-commercial wind turbine		
100 feet or less in height	A	28.80
Over 100 feet in height	- - -	
Pipeline, transmission or distribution line in R.O.W.	A	28.78.20(A) & (B)(8)
Utility facilities or infrastructure, outside of R.O.W.	UP	28.78.20(A) & (B)(9)
<b>C. PUBLIC SERVICE USES</b>		
None allowed		
<b>D. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE</b>		
Meteorological Tower, 100 feet or less in height	AP	28.78.20(A) & (B)(6)
Meteorological Tower, greater than 100 feet in height	MUP	28.78.20(A) & (B)(6)
<b>28.79 RESOURCE CONSERVATION USES</b>		
None allowed		



Notes:

6. Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit pursuant to the Suisun Marsh Preservation Act of 1977, and as provided for in Section 28.104 of this Code.

#### 28.41.40 – Commercial District Development Standards

Subdivision, new land uses, main buildings including primary and secondary dwellings, and alterations to existing land uses and buildings, shall be designed, constructed, and/or established in compliance with the applicable development standards delineated or referenced in Table 28-41B.

<b>Table 28.41B</b>	
<b>DEVELOPMENT STANDARDS FOR MAIN BUILDING, ACCESSORY STRUCTURES, AND USES</b>	
<b>C-R-L Zoning District</b>	
<b>PRIMARY BUILDING</b>	
<b>Minimum Lot Area</b>	None
<b>Setbacks</b>	
<b>Front</b>	Twenty feet; except that buildings shall not be less than fifty feet from the centerline of the street, and unless otherwise indicated by building lines on the zoning maps.
<b>Sides (each)</b>	None
<b>Rear</b>	None
<b>Between structures</b>	10 feet
<b>Height limit</b>	Thirty-five feet; provided that additional height may be permitted if a use permit is first secured, but in no case more than 50 feet
<b>ACCESSORY STRUCTURES AND USES</b>	
<b>Setbacks</b>	Accessory buildings shall not be less than sixty feet from the front property line nor less than twenty feet from any side or rear property line, nor less than thirty feet from any dwelling unit on the property.
<b>OTHER STANDARDS</b>	
<b>Loading Requirements</b>	Adequate, private, off-street space for the loading and unloading of all materials.
<b>Parking Requirements</b>	Parking shall be provided in conformance with the parking standards in Section 28.94
<b>Signs</b>	All signs shall comply with the sign requirements in Section 28.96

## **Part II-E – Solano County Code**

### **Chapter 28, Section 28.42**

#### **Manufacturing Districts**

#### **(Portions of section applicable to Industrial – Water Dependent (I-WD) District)**

##### **Section 28.42 – MANUFACTURING AND INDUSTRIAL DISTRICTS**

Subsections:

28.42.10 – Manufacturing and Industrial District(s)

28.42.11 – Purpose of Manufacturing and Industrial Districts

28.42.20 – Manufacturing and Industrial Districts Land Uses and Permit requirements

28.42.30 – Manufacturing and Industrial District Development Standards

##### **28.42.10 – Manufacturing and Industrial Districts**

This Section includes regulations for the following zoning districts:

Manufacturing - Limited (M-L) District

Manufacturing - General (M-G-1/2) District

Manufacturing - General (M-G-3) District

Industrial – Water Dependent (I-WD) District

##### **28.42.11 – Purpose of Manufacturing and Industrial District(s)**

This Section lists the uses of land that may be allowed within the areas of the County designated for Industrial and manufacturing land uses. It also determines the type of land use approval required for each use within each district, and provides general standards for site development.

The purpose of the different industrial and manufacturing zoning districts and the manner in which they are applied are as follows:

### **C. Industrial – Water Dependent (I-WD) District**

Certain waterfront lands within Solano County are of statewide and regional significance because they are among the few remaining deep-water sites suitable for water-dependent industries. Furthermore, significant agricultural and marsh lands are nearby resources which the County is committed to preserve. For this reason, the I-WD district is established to reserve waterfront lands for large-scale, water-dependent industries to assure the efficient use of waterfront industrial sites, and to ensure that impact upon nearby environmentally sensitive lands are minimized.

The provisions of this Section shall be strictly interpreted to assure that only those industries which depend on a waterfront site are to locate within this district. It is expressly understood that prior to consideration of any industrial proposal within the district, the Planning Commission shall determine the industry's need for a waterfront site and assure its conformance with the provisions of the Solano County General Plan, this Chapter, and where applicable, the Suisun Marsh Preservation Act of 1977. Industries seeking to locate in the area designated Water Related Industrial Reserve on the Suisun Marsh Protection Plan Map are to be governed by the definition of water-related industry contained in the San Francisco Bay Plan. Those industries which are not considered to be water dependent may continue to locate within other industrial districts.

Some of the land in this district is lowland grassland or seasonal marsh which has existing value as wetland habitat or is suitable for restoration to wetland habitat. These areas have subsided and may be filled, using approved dredged sediments, and restored to tidal, managed, or seasonal wetlands, for the purpose of increasing their natural resource value and restoring some of the formerly natural tidal wetland area. Restored wetlands shall remain as wetlands and not be developed for industrial uses.

### **28.42.20 Manufacturing and Industrial Land Uses and Permit Requirements**

#### **A. Allowed Uses and Permit Requirements**

Table 28.42A identifies the land uses allowed by this Zoning Ordinance in each manufacturing and industrial district and the land use permit required to establish each use. In addition to the land use permit required by Table 28-42A, special requirements may apply to certain uses.

#### **B. Marsh Development Permit Requirements**

Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this Code. When a land use subject to a marsh development permit is proposed in both the Primary Management Area and Secondary Management Area, as defined in the Suisun Marsh Preservation Act of 1977, the land use shall be subject to a use permit covering the whole of the project.

#### **C. Architectural Review**

Architectural Approval may be required for certain uses, in compliance with Section 28.102 (Architectural Approval).

**D. Building Permits**

A Building Permit shall be required prior to any construction. Prior to the issuance of a building permit, the Zoning Administrator or Planning Commission may require evidence that adequate controls, measures or devices will be provided to meet performance standards for this zone, as provided in Section 28.95, all to insure and protect the public interest, health, comfort, convenience, safety, and general welfare.

**E. Land Use Regulations**

Where the last column in Table 28.42A (Land Use Regulations) includes a section number, e.g. 28.70.10, the zoning regulations in the referenced section apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced Solano County Code apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

**F. Non-Conforming Uses**

Within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, uses established prior to August 4, 1981 that do not conform to the uses set forth in Table 28.42A shall be considered nonconforming uses under Section 28.114, except that non-substantial changes, alterations, and additions to nonconforming uses may be allowed within the existing established project footprint area subject to a marsh development permit, pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this Code. The overall existing development area may not be expanded under these provisions. Development within the existing development area should minimize additional impervious surfaces. An adequate buffer should be established or maintained between the development areas and any water, wetlands, or other Marsh habitat to protect the habitat from adverse environmental impacts. An erosion, sediment, and runoff control plan shall be prepared in accordance with Section 31.26(b) of the Solano County Grading, Drainage, Land Leveling and Erosion Control Ordinance. When the non-conforming uses is located in both the Primary Management Area and Secondary Management Area, as defined by the Suisun Marsh Preservation Act of 1977, non-substantial changes, alterations, and additions to the nonconforming use shall be subject to a use permit covering the whole of the project.

**G. Site Development and Other Standards**

All uses shall comply with the provisions of Article IV, Section 28-90 Site Development and Other Standards which includes standards for parking, signs and other project elements.

**Table 28.42A TABLE OF ALLOWED USES**

A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit,  
UP = Use Permit, - - - = Prohibited

ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	I-WD Zoning District <sup>(a)</sup>	See Section 28.70.10
<b>28.71 AGRICULTURAL USES</b>		
<b>A. CROP PRODUCTION AND GRAZING</b>		
Non-irrigated and non-cultivated farming	A <sup>(5)</sup>	
Grazing	A <sup>(5)</sup>	
<b>B. AGRICULTURAL PROCESSING USES</b>		
None allowed		
<b>C. ANIMAL FACILITIES AND OPERATIONS</b>		
Confined Animal Facility	UP <sup>(5)</sup>	28.73.30(A) & (B)(1)
Fowl and Poultry Ranch	UP <sup>(5)</sup>	28.73.30(A) & (B)(2)
<b>D. OTHER AGRICULTURAL OPERATIONS</b>		
None allowed		
<b>28.72 RESIDENTIAL USES</b>		
None allowed		
<b>28.73 RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES</b>		
None allowed		
<b>28.74 RETAIL AND OFFICE USES</b>		
None Allowed		
<b>28.75 TOURIST USES</b>		
<b>A. AGRITOURISM</b>		
None Allowed		
<b>B. TEMPORARY AGRITOURISM</b>		
None Allowed		
<b>28.76 COMMERCIAL SERVICE USES</b>		
None Allowed		
<b>28.77 INDUSTRIAL, MANUFACTURING, PROCESSING AND WHOLESALE USES</b>		
<b>A. INDUSTRIAL, MANUFACTURING AND PROCESSING USES</b>		
Waterfront Facilities		
Waterfront Storage Facility	UP <sup>(7)</sup>	
Waterfront Manufacturing or Processing Facility	UP <sup>(7)</sup>	
Water-Using Facility	UP <sup>(7)</sup>	
Associated Manufacturing or Processing Uses	UP <sup>(7)</sup>	
Berthing Facility	UP <sup>(7)</sup>	
Support Facilities	UP <sup>(7)</sup>	
Accessory Structures and Uses	UP <sup>(7)</sup>	
<b>B. WHOLESALE USES</b>		
None Allowed		

**Table 28.42A TABLE OF ALLOWED USES**

A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit,  
UP = Use Permit, - - - = Prohibited

ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	I-WD Zoning District <sup>(8)</sup>	See Section 28.70.10
<b>28.78 COMMUNICATION, INFRASTRUCTURE AND SERVICE USES</b>		
<b>A. COMMUNICATION USES</b>		
Wireless communication facility		
<i>Co-location</i>	MUP	28.81
<i>New tower</i>	UP	28.81
<b>B. INFRASTRUCTURE USES</b>		
Commercial wind turbine generator	UP	28.80
Dredge Disposal Site	UP	28.78.20(A)
Non-commercial wind turbine		
<i>100 feet or less in height</i>	A	28.80
<i>Over 100 feet in height</i>	- - -	28.80
Oil or Gas Well <sup>(5)</sup>	AP	28.78.20(A) & (B)(7)
Pipeline, transmission or distribution line in R.O.W.	A	28.78.20(A) & (B)(8)
Utility facilities or infrastructure, outside of R.O.W.	UP	28.78.20(A) & (B)(9)
<b>C. PUBLIC SERVICE USES</b>		
None allowed		
<b>D. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE</b>		
Meteorological Tower, 100 feet or less in height	AP	28.78.20(A) & (B)(6)
Meteorological Tower, greater than 100 feet in height	MUP	28.78.20(A) & (B)(6)
<b>28.79 RESOURCE CONSERVATION USES</b>		
Rehandling of dredged materials for on-site and off-site use.	UP <sup>(6)</sup>	28.79.10(A)
Restoration of Tidal, Managed and Seasonal Wetlands using dredge sediments	UP	28.79.10(A)

Notes:

5. As an interim use.
6. Where a use is granted pursuant to an approved and certified Specific Plan or Policy Plan the further requirement of a Use Permit may be waived
7. Water Front facilities are subject to adoption of a Specific Plan or Policy Plan by the Board of Supervisors and certification of the plan by the Bay Conservation and Development Commission prior to development.
8. Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this Code.

9. Oil wells not permitted in the Suisun Marsh primary and secondary management areas.

#### 28.42.30 – Manufacturing and Industrial District Development Standards:

Subdivision, new land uses, main buildings including primary and secondary dwellings, and alterations to existing land uses and buildings, shall be designed, constructed, and/or established in compliance with the applicable development standards delineated or referenced in Table 28-42B.

<b>Table 28.42B</b>	
<b>DEVELOPMENT STANDARDS FOR MAIN BUILDING, ACCESSORY STRUCTURES AND USES</b>	
<b>I-WD Zoning District</b>	
<b>PRIMARY BUILDING</b>	
<b>Minimum Lot Area</b>	Determined by the conditions of the approved and certified specific plan or policy plan. Parcels less than two hundred acres in area are permitted only if they accommodate uses which are directly auxiliary to approved Industrial uses on larger sites.
<b>Setbacks</b>	
<b>Front</b>	Where parcel abuts an agricultural district, the minimum building setback shall be five hundred feet except where otherwise provided by specific guidelines set forth in a specific plan or policy plan for the Collinsville area. Other setbacks shall be established by the Planning Commission or Zoning Administrator in conformance with the specific setback requirements set forth in a specific plan or policy plan for the Collinsville area.
<b>Sides (each)</b>	Where parcel abuts an agricultural district, the minimum building setback shall be five hundred feet except where otherwise provided by specific guidelines set forth in a specific plan or policy plan for the Collinsville area. Other setbacks shall be established by the Planning Commission or Zoning Administrator in conformance with the specific setback requirements set forth in a specific plan or policy plan for the Collinsville area.
<b>Rear</b>	Twenty feet; except that forty feet shall be required for any building over one story or twenty-five feet in height when adjacent to any R district.
<b>Between structures</b>	10 feet
<b>Height limit</b>	Height limits as established in a specific plan or policy plan for the Collinsville area; provided, that no structure shall exceed the height limitations of Section 28-99 if located in an airport flight obstruction area.
<b>ACCESSORY STRUCTURES</b>	
<b>Setbacks</b>	<i>Accessory buildings shall not be less than sixty feet from the front property line nor less than twenty feet from any side or rear property line, nor less than thirty feet from any dwelling unit on the property.</i>

<b>OTHER STANDARDS</b>	
<b>Loading Requirements</b>	Loading and unloading spaces shall be provided as required by the Zoning Administrator and Planning Commission. Loading space shall not be located in the required front yard.
<b>Parking Requirements</b>	Parking shall be provided in conformance with the parking standards in Section 28.94
<b>Signs</b>	All signs shall comply with the sign requirements in Section 28.96
<b>Other Requirements</b>	<p>In the I-WD District, application for policy plan shall be prepared in accordance with the provisions of Section 28.68, and shall follow the seven-step development review process for siting waterfront industries as set forth within the General Plan and the following criteria:</p> <ol style="list-style-type: none"> <li>1. Adequate provision is made, through the dedication of property or by other means, to provide for the protection of adjacent agricultural uses, easements for connections to berth facilities, and where feasible, open space, public access, and wetlands preservation.</li> <li>2. Adequate safeguards are provided for the safe transport, transfer, storage, and emission of substances potentially hazardous to health, life or property.</li> </ol>



# **Part II-F – Solano County Code**

## **Chapter 28, Section 28.52**

### **Marsh Preservation (MP) District (Full Section)**

#### **Section 28.52 – MARSH PRESERVATION (MP) DISTRICT**

Subsections:

28.38.10 – Marsh Preservation District

28.38.11 – Purposes of Marsh Preservation District

28.38.20 – Marsh Preservation District Land Uses and Permit Requirements

28.38.30 – Marsh Preservation District Development Standards

#### **28.52.10 – Marsh Preservation District**

This Section includes regulations for MP zoning district.

#### **28.52.11 – Purpose of Marsh Preservation District**

This Section lists the uses of land that may be allowed within the Marsh Preservation (MP) zoning district, established by Section 28.13 (Districts Designated and Established). It also determines the type of land use approval required for each type of use and provides general standards for site development.

Marshes, wetlands, and certain adjacent grasslands within the County represent an area of significant aquatic and wildlife habitat and are an irreplaceable and unique resource to the people of the County, State, and the Nation. Therefore, the Board of Supervisors has determined it is in the interest of the County to preserve and enhance the quality and diversity of marsh habitats, within which marsh-oriented uses shall be encouraged to the exclusion of such other uses of land as may be in conflict with the long-term preservation and protection of marsh areas. The provisions of this Section shall be strictly interpreted to provide maximum protection to marsh areas.

## **28.52.20 – Marsh Preservation District Land Uses and Permit Requirements**

### **A. Allowed Uses and Permit Requirements**

Table 28-52A identifies the land uses allowed by this Zoning Ordinance in the marsh preservation district and the land use permit required to establish each use. In addition to the land use permit required by Table 28-38A, special requirements may apply to certain uses.

### **B Marsh Development Permit Requirements**

Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this Code. When a land use subject to a marsh development permit is proposed in both the Primary Management Area and Secondary Management Area, as defined in the Suisun Marsh Preservation Act of 1977, the land use shall be subject to a use permit covering the whole of the project.

### **C. Architectural Review**

Architectural Approval may be required for certain uses, in compliance with Section 28.102 (Architectural Approval).

### **D. Building Permits**

A Building Permit shall be required prior to any construction.

### **E. Land Use Regulations**

Where the last column in Table 28.52A (Land Use Regulations) includes a section number, e.g. 28.70.10, the zoning regulations in the referenced section apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced Solano County Code apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

### **F. Non-Conforming Uses**

Within the Suisun Marsh, as defined by Section 29101 of the Public Resources Code, uses established prior to 1977 that do not conform to the uses set forth in Table 28.38A shall be considered nonconforming uses under Section 28.114 and subject to Section 28.18, except that non-substantial changes, alterations, and additions to nonconforming uses may be allowed within the existing established project footprint area subject to a marsh development permit pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this code. The overall existing development area may not be expanded under these provisions. Development within the existing development area should minimize additional impervious surfaces. An adequate buffer should be established or maintained between the development areas and any water, wetlands, or other Marsh habitat to protect the habitat from adverse environmental impacts. An erosion, sediment, and runoff control plan shall be prepared in accordance with Section 31.26(b) of the Solano County Grading, Drainage, Land Leveling and Erosion Control Ordinance. When the non-conforming uses is located in both the Primary Management Area and Secondary Management Area, as defined by the Suisun Marsh

Preservation Act of 1977, non-substantial changes, alterations, and additions to the nonconforming use shall be subject to a use permit covering the whole of the project.

#### **G. Site Development and Other Standards**

All uses shall comply with the provisions of Article IV, Section 28-90 Site Development and Other Standards which includes standards for parking, signs and other project elements.

**Table 28.52A TABLE OF ALLOWED USES**

**A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit,  
UP = Use Permit, - - - = Prohibited**

<b>ALLOWED USES</b>	<b>Permit Requirements</b>	<b>Land Use Regulations</b>
See Definitions Section 28.10	<b>MP<sup>(1)</sup> Zoning District</b>	See Section 28.70.10
<b>28.71 AGRICULTURAL USES</b>		
<b>A. CROP PRODUCTION AND GRAZING</b>		
Non-irrigated and non-cultivated farming	A <sup>(2)</sup>	
Grazing	A <sup>(2)</sup>	
<b>B. AGRICULTURAL PROCESSING USES</b>		
None allowed		
<b>C. ANIMAL FACILITIES AND OPERATIONS</b>		
None allowed		
<b>D. OTHER AGRICULTURAL OPERATIONS</b>		
Agricultural employee housing	UP	28.71.40(A) & (B)(1)
<b>28.72 RESIDENTIAL USES</b>		
<b>A. DWELLINGS</b>		
Primary Dwelling <sup>(3)</sup>	A	28.72.10(A)
<b>B. TEMPORARY RESIDENTIAL USES</b>		
None allowed		
<b>C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE</b>		
None allowed		
<b>D. OTHER RESIDENTIAL USES</b>		
None allowed		
<b>28.73 RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES</b>		
<b>A. RECREATION USES</b>		
Complementary Commercial Facility	UP	28.73.10(A)
Marsh oriented recreation	UP	28.73.10(A)
Public open space area	A	28.73.10(A)
<b>B. EDUCATION USES</b>		
Marsh Education	UP	28.73.20(A)
<b>C. PUBLIC ASSEMBLY USES</b>		
None allowed		
<b>28.74 RETAIL AND OFFICE USES</b>		
<b>A. RETAIL USES</b>		
None Allowed		
<b>B. OFFICE USES</b>		
Marsh research facility	UP	28.74.20(A)

**Table 28.52A TABLE OF ALLOWED USES**

**A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit,  
UP = Use Permit, - - - = Prohibited**

<b>ALLOWED USES</b>	<b>Permit Requirements</b>	<b>Land Use Regulations</b>
See Definitions Section 28.10	<b>MP<sup>(1)</sup> Zoning District</b>	See Section 28.70.10
<b>28.75 TOURIST USES</b>		
None Allowed		
<b>28.76 COMMERCIAL SERVICE USES</b>		
None Allowed		
<b>28.77 INDUSTRIAL, MANUFACTURING, PROCESSING AND WHOLESALE USES</b>		
None Allowed		
<b>28.78 COMMUNICATION, INFRASTRUCTURE AND SERVICE USES</b>		
<b>A. COMMUNICATION USES</b>		
None Allowed		
<b>B. INFRASTRUCTURE USES</b>		
Commercial wind turbine generator	- - -	
Dredging of minerals and natural resources	UP	28.78.20(A)
Non-commercial wind turbine		
<i>100 feet or less in height</i>	A	28.80
<i>Over 100 feet in height</i>	- - -	
Oil or Gas Well <sup>(4)</sup> , Natural Gas Storage	UP	28.78.20(A) & (B)(7)
Pipeline, transmission or distribution line in R.O.W.	A	28.78.20(A) & (B)(8)
Utility facilities or infrastructure, outside of R.O.W.	UP	28.78.20(A) & (B)(9)
<b>C. PUBLIC SERVICE USES</b>		
Public Service Facility	UP	28.78.30(A) & (B)(4)
<b>D. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE</b>		
Temporary facility for the transfer of material from shore to barge	UP	28.78.40(A)
<b>28.79 RESOURCE CONSERVATION USES</b>		
Conservation and Mitigation Bank	UP	28.79.10(A)
Growing of plants and natural feed important to wildlife habitat	A	28.79.10(A)
Restoration of tidal, managed, and seasonal wetlands	UP	28.79.10(A)

**Notes:**

1. Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit pursuant to the Suisun Marsh Preservation Act of 1977, and as provided for in Section 28.104 of this Code.
2. Management of wetlands and agricultural operations, with emphasis on grain and hay crop production, pasture, grazing, and the growing of plants and natural feed important to wildlife habitat.

- 3 Buildings and uses clearly accessory or incidental to any permitted use located on the premises, including a one-family dwelling or a manufactured dwelling, barns, private stables, sheds, and other associated buildings.
4. Oil wells not permitted in the Sulsun Marsh primary and secondary management areas.

### 28.38.30 – Marsh Preservation District Development Standards

Subdivision, new land uses, main buildings including primary and secondary dwellings, and alterations to existing land uses and buildings, shall be designed, constructed, and/or established in compliance with the applicable development standards delineated or referenced in Table 28-52B.

<b>TABLE 28.52B</b>	
<b>DEVELOPMENT STANDARDS FOR MAIN BUILDING, ACCESSORY STRUCTURES, AND USES</b>	
<b>MAIN BUILDING</b>	
<b>Minimum Lot Area</b>	250 acres
<b>Setbacks</b>	
Front	Ten feet; unless otherwise indicated by building lines on the zoning maps.
Sides (each)	Ten feet; unless otherwise indicated by building lines on the zoning maps.
Rear	Ten feet; unless otherwise indicated by building lines on the zoning maps.
Between structures	10 feet
<b>Height limit</b>	<i>Thirty-five feet; provided, that additional height may be permitted for non-dwelling structures, including windmills, silos, and private water tanks; and provided further, that no such structure shall exclude the heights allowed in Section 28-99 of this code, if located in an airport flight obstruction area.</i>
<b>ACCESSORY STRUCTURES AND USES</b>	
<b>Setbacks</b>	<i>Accessory buildings shall not be less than sixty feet from the front property line nor less than twenty feet from any side or rear property line, nor less than thirty feet from any dwelling unit on the property.</i>

<b>OTHER STANDARDS</b>	
<b>Parking Requirements</b>	<i>Parking shall be provided in conformance with the parking standards in Section 28.94</i>
<b>Signs</b>	<i>All signs shall comply with the sign requirements in Section 28.96</i>

## Part II-G – Solano County Code

### Chapter 28, Section 28.78

#### Subsection 28.78.20(B) – Land Use Regulations for Infrastructure Uses, subparagraphs (3), (8), & (9)

3. **Waste Disposal, Processing, or Composting.** Disposal, processing, or composting of waste shall show that adequate controls or measures will be taken to prevent offensive smoke, odors, and fumes; and shall be located so that truck traffic noise and vibration shall not be offensive to neighboring dwellings.
8. **Pipeline, transmission line, or distribution line, inside of R.O.W.** Public utility, electric, gas, water, oil, and telephone transmission and distribution lines shall be permitted in any district without the necessity of first obtaining a use permit; provided, that maps showing proposed routes of such transmission lines, together with a written statement of approximate structure heights and right-of-way widths, shall be submitted to the Planning Commission, and routes mutually acceptable to the Planning Commission and utility agencies concerned shall be determined in writing prior to acquisition of any rights-of-way. Each transmission line route proposal submitted in accordance herewith shall be accompanied by a fee or fees as may be set by the Board of Supervisors by resolution pursuant to Section 11-111 of this Code. No part of such fee shall be refundable.
9. **Utility Facilities or Infrastructure, outside of R.O.W.** All utility accessory uses and structures for transmission or distribution of electricity, gas, water, oil, gasoline, telephone, television or other utility services may be permitted in any district. Utility accessory uses and structures include, but are not limited to, compression, drying, regeneration stations, substations, or pumping stations.

# **Part II-H – Solano County Code**

## **Chapter 28, Section 28.104**

### **Marsh Development Permit (Full Section)**

#### **Section 28.104 – MARSH DEVELOPMENT PERMITS**

##### **A. Purpose**

The purpose of a marsh development permit is to allow uses within the secondary management of the Suisun Marsh, subject to specific conditions and County approval. Lands designated as Primary or Secondary Management Areas of the Suisun Marsh are those as defined in Section 29101, 29102, and 29103 of the Public Resources Code. County marsh development permits issued in the secondary management area may be appealed to the San Francisco Bay Conservation and Development Commission pursuant to Section 29504 of the Public Resources Code.

##### **B. When Required**

A marsh development permit shall be required from any person or entity wishing to undertake a development, as defined in Section 29114 of the Public Resources Code, within the secondary management area of the Suisun Marsh. Any land use development permit or other permit which conforms with the provisions of this Section may serve as a marsh development permit, as determined by the Director of Resource Management. If all or a portion of the site or development is within the Primary Management Area, any required County land use or development permit shall be obtained prior to application for a marsh development permit from the San Francisco Bay Conservation and Development Commission for development within the Primary Management Area, unless that Commission has delegated its permit authority as described in section 29501 of the Public Resources Code. The lawful use of land under County permit, issued prior to the certification of the Suisun Marsh Local Protection Program, shall be eligible for a marsh development permit, provided, such existing use does not have an adverse impact upon the Suisun Marsh.

##### **C. Compliance with Building Codes and Other Ordinances**

Approval of a marsh development permit does not exempt the applicant from complying with the requirements of building codes adopted pursuant to other provisions of this Code, or from other ordinances.

##### **D. Application**

Application for a marsh development permit within the Secondary Management Area shall be filed by the owner or the owner's agent with the Department of Resource Management. The application shall be in the form prescribed by the Director of Resource Management. The



application shall consist of a written narrative and detailed site plan. When a land use subject to a marsh development permit is proposed in both the Primary Management Area and Secondary Management Area, the land use shall be subject to a marsh development permit covering the whole of the project. The application shall, at a minimum, include the following items and information:

1. Fee or fees as set by the Board of Supervisors, pursuant to Section 11-111 of this code. No part of such fee shall be refundable.
2. A complete legal description of the property.
3. A narrative description of existing uses of the subject property and adjacent properties, proposed uses and improvements on the subject property, and existing and proposed water supply, sewage disposal, and utility service.
4. Facts demonstrating that the proposed marsh development permit, in its entirety, is consistent with the Solano County General Plan, the certified Suisun Marsh Local Protection Program, and the findings described in subsection (h) of this Section.
5. A site plan at a scale no smaller than one inch equal to one hundred feet depicting the following: property lines; the foot print of any pre-existing use or development area; location of proposed work, buildings, and uses, clearly distinguishing existing and proposed improvements; building, parking and landscape coverage and yard setbacks; drainage, water supply, sewage disposal, and utility service; existing and proposed public access areas; Primary and Secondary Management Area boundaries; the approximate distance to the nearest marsh, managed wetland, or tidal areas; and the location and name of nearest public road and private access.
6. Project design and improvement details, including but not limited to preliminary grading plans, building elevations, landscaping, and signs.
7. Performance standards as may be applicable (e.g., hazardous materials and waste management).
8. Such other information as may be required by the Director of Resource Management concerning the proposed development and use of the property, or which the applicant may deem appropriate for a full consideration of the proposal by the Planning Commission or Zoning Administrator.
9. All information required by this Section shall be stated in a manner to describe the character and style of the proposed development and use in sufficient detail to constitute definite criteria under which subsequent development can be judged for compliance.

#### **E. Public Hearing**

At least one public hearing on any marsh development permit application shall be held by the Zoning Administrator or the Planning Commission, which shall maintain a public record of all hearings.

**F. Public Notice**

Notice of this hearing shall be given pursuant to Section 28.04 of this Chapter.

**G. Action**

1. The Zoning Administrator or Planning Commission may approve a marsh development permit if it finds that the requirements set forth in the certified Suisun Marsh Local Protection Program, this Chapter, and in subsection (h) of this Section are fulfilled.
2. When approving a marsh development permit, the Zoning Administrator or Planning Commission may impose conditions to support the finding enumerated in subsection (h) of this Section, together with guarantees that such conditions will be complied with, based on a finding that such conditions and guarantees are in the public interest.
3. Unless the marsh development permit application is withdrawn, action to approve, conditionally approve, or deny the marsh development permit shall be taken by the Zoning Administrator or Planning Commission within the time limits specified in the Permit Streamlining Act, except that the applicant and Zoning Administrator may mutually agree to extend such period.
4. Any action taken by the Zoning Administrator or the Planning Commission on a marsh development permit application shall not become effective until:
  - (i) The time period for filing an appeal pursuant to Section 28.112 of this Chapter has expired or, if an appeal has been filed, the appeal has been finally decided or withdrawn; and
  - (ii) The twenty (20) working day period after the Bay Conservation and Development Commission has received notice of the County's final action approving the marsh development permit has expired or, if an appeal by or to the Bay Conservation and Development Commission has been filed, the appeal has been withdrawn or the Bay Conservation and Development Commission either determines that the appeal raises no substantial issue or takes no action on the appeal within the time limits specified in section 29524 of the Public Resources Code.

**H. Required Findings**

A marsh development permit shall not be approved unless the all of the following general findings are made:

1. That the application process complies with the California Environmental Quality Act of 1970, as amended.
2. That the establishment, maintenance, or operation of the use is in conformity with the County General Plan with regard to traffic circulation, population densities and distributions, and all other pertinent aspects.

3. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
4. That the applicant has exhibited proof that such use will not constitute a nuisance or be detrimental to the health, safety, comfort, or general welfare of the people of the County, or be detrimental to adjacent property or improvements to the neighborhood.
5. That the proposed development shall be consistent with the certified Suisun Marsh Local Protection Program. Where the proposed development is located in both the Secondary and Primary Management Areas, all portions of the proposed development shall be consistent with the certified Suisun Marsh Local Protection Program.

**I. Revocation**

1. In any case where the conditions of a marsh development permit have not been or are not complied with, or where the use has been abandoned, the Zoning Administrator shall give to the permittee notice of intention to revoke such permit, at least fifteen days prior to a Planning Commission review thereof.
2. Formal rules of evidence shall not apply to revocation proceedings, and witnesses need not be sworn, but the permittee shall be given an opportunity to respond to any evidence or testimony presented by the Zoning Administrator or the public. After conclusion of the review, the Planning Commission may revoke such permit or modify the permit by imposing new or modified conditions to address the previous noncompliance.

**J. Expiration**

1. Marsh development permits approved for a temporary, fixed period of time shall expire on the date specified in the permit and shall thereafter be null and void, but any such permit may be revised to modify its expiration date if an application to do so is filed at least 30 days prior to the expiration date. Marsh development permits approved for an indefinite period do not expire but shall be revoked by the Planning Commission if abandoned or not timely renewed.
2. In any case where a marsh development permit has not been exercised within one year after the date of approval thereof, or any other period for exercise stated in a condition of the permit, then without further action by the Zoning Administrator or Planning Commission, the marsh development permit shall expire and thereafter be null and void; except that upon written request by the permittee, the Zoning Administrator may authorize an extension of the permit not to exceed one year. Only one such extension may be granted.

**K. Reapplication**

Whenever a marsh development permit application has been denied for a specific use, no new application covering all or a portion of the property involved in the original application shall be accepted by the Department of Resource Management for a period of six months from the

effective date of the final denial of the original application; provided, that upon a showing of a substantial change of circumstances, the Planning Commission may allow the filing of a new application prior to the expiration of the six-month period.

**L. Appeal**

Appeal from the action of the Zoning Administrator or Planning Commission may be made according to the provisions of Section 28.112 of this code.

**M. Minor Revisions**

Minor revisions not constituting substantial alteration in the marsh development permit, or any element thereof, may be reviewed and approved by the Zoning Administrator or Planning Commission, whichever shall have issued the permit sought to be revised. Each application for a minor revision shall be accompanied by a fee as may be set by the Board of Supervisors, pursuant to Section 11-111 of this code. No part of said fee or fees shall be refundable.

**N. Renewal**

A marsh development permit approved for an indefinite period shall be subject to periodic renewal every five years, or such other period of time as may be set by the zoning administrator or planning commission in approving a marsh development permit. The zoning administrator shall administratively approve a marsh development renewal if the following conditions are satisfied:

1. The permittee has requested renewal;
2. The permittee has paid a renewal fee as may be set by the Board of Supervisors, pursuant to Section 11-111 of this Code; and
3. The development is in full compliance with all conditions of the marsh development permit.

If the Zoning Administrator is unable to approve a renewal, the marsh development permit shall be set for revocation. Every marsh permit approved in conjunction with a use permit prior to September 27, 2012, and still in effect as of that date shall be subject to the renewal period and procedure described in this subsection unless a different period or procedure is specifically described in the conditions of the marsh development permit or use permit.

# **Part II-I – Solano County Code**

## **Chapter 31**

### **Subsection 31-20(c), Subsections 31-30(o) & (p), and Section 31-40**

#### **Section 31-20 – Grading and Drainage Permit Requirements**

(c) Suisun Marsh Protection.

(1) Prior to the issuance of a grading and drainage permit for sites located within the Suisun Marsh area, a marsh development permit must be obtained.

(2) It shall be unlawful to do any of the following activities without a grading and drainage permit within, or in areas within the buffer extending 25 feet from the top of a bank to, those channels within the Suisun Marsh or those channels flowing or which will flow into the Suisun Marsh identified on that diagram entitled "Protected Channels of the Suisun Marsh Watershed," which is on file at the Department of Resource Management and is incorporated herein as though set forth in full:

(A) Newly construct any structure, except that the repair, replacement, reconstruction, improvement, or maintenance of any existing structure may be performed unless the Director determines that such repair, replacement, reconstruction, improvement, or maintenance will result in an increase in flood elevation, public flood hazard, or increase sedimentation to such an extent that adverse environmental impacts will occur in the Suisun Marsh.

(B) Fill, grade, excavate, obstruct, close, divert, repair, or reconstruct the channel or adjacent area of the channel. Emergency repairs may be commenced prior to obtaining a permit.

(C) Cut or remove vegetation, except for:

(i) Grazing, cultivation of land, and other agriculturally related activities, including cutting or removing vegetation from channels or adjacent areas for agricultural, habitat, or flood control purposes; or

(ii) Gardening and landscape activities associated with an established use.

(D) Store or handle toxic substances, excepting application of chemicals to land or crops in the course of agricultural practices or customary home landscaping activities.

### **Section 31-30 – General Design Principles and Standards**

(o) Waterways shall be designed to avoid erosion as much as practical. Wide channels should be constructed with flat side slope surfaces and the channel and slopes should be lined with grass or other appropriate vegetation. Every effort must be made to preserve natural channels and drainage ways.

(p) Except as limited by section 28-51 of this Code, (Watershed and Conservation (W) District), filling, grading, excavating, or obstructing the bed or banks of a watercourse and removal of the riparian vegetation should be allowed only where no reasonable alternative is available and, where allowed, shall be limited to the minimum amount necessary. In the Suisun Marsh, stream modification should be permitted only if necessary to ensure the protection of life or existing structures from floods, and only the minimum amount of modification necessary shall be allowed in such cases.

### **Section 31-40 – Review and approval**


(a) Grading and drainage permit applications and accompanying maps and plans shall be reviewed by the Department of Resource Management and approved when found to be in compliance with the provisions of this chapter, and conformance with acceptable grading and erosion control techniques. Permits required as a condition of a building permit, use permit, marsh development permit, or other land development permit will be issued only in conjunction with, or subsequent to, approval of such a permit and not in anticipation of such a permit.

(b) Within the Suisun Marsh Watershed, the Department of Resource Management shall issue a permit only if the Director finds that riparian habitat will be protected and that the proposed activity will not increase sedimentation and runoff within or into the Suisun Marsh to such an extent that significant adverse environmental impacts will occur in the Suisun Marsh.

## **Part III – Figures**




### **Existing Zoning District and Figures from Solano County General Plan and Solano County Code**

**Existing  
Zoning Districts  
Suisun Marsh**


 Essex Marsh Boundary

**Zoning Districts**


**Agricultural**

-  Exclusive Agriculture A-20 (20 acre min.)
-  Essex West Agriculture W-5A-20 (20 acre min.)
-  Essex West Agriculture W-5A-150 (150 acre min.)





**Residential**


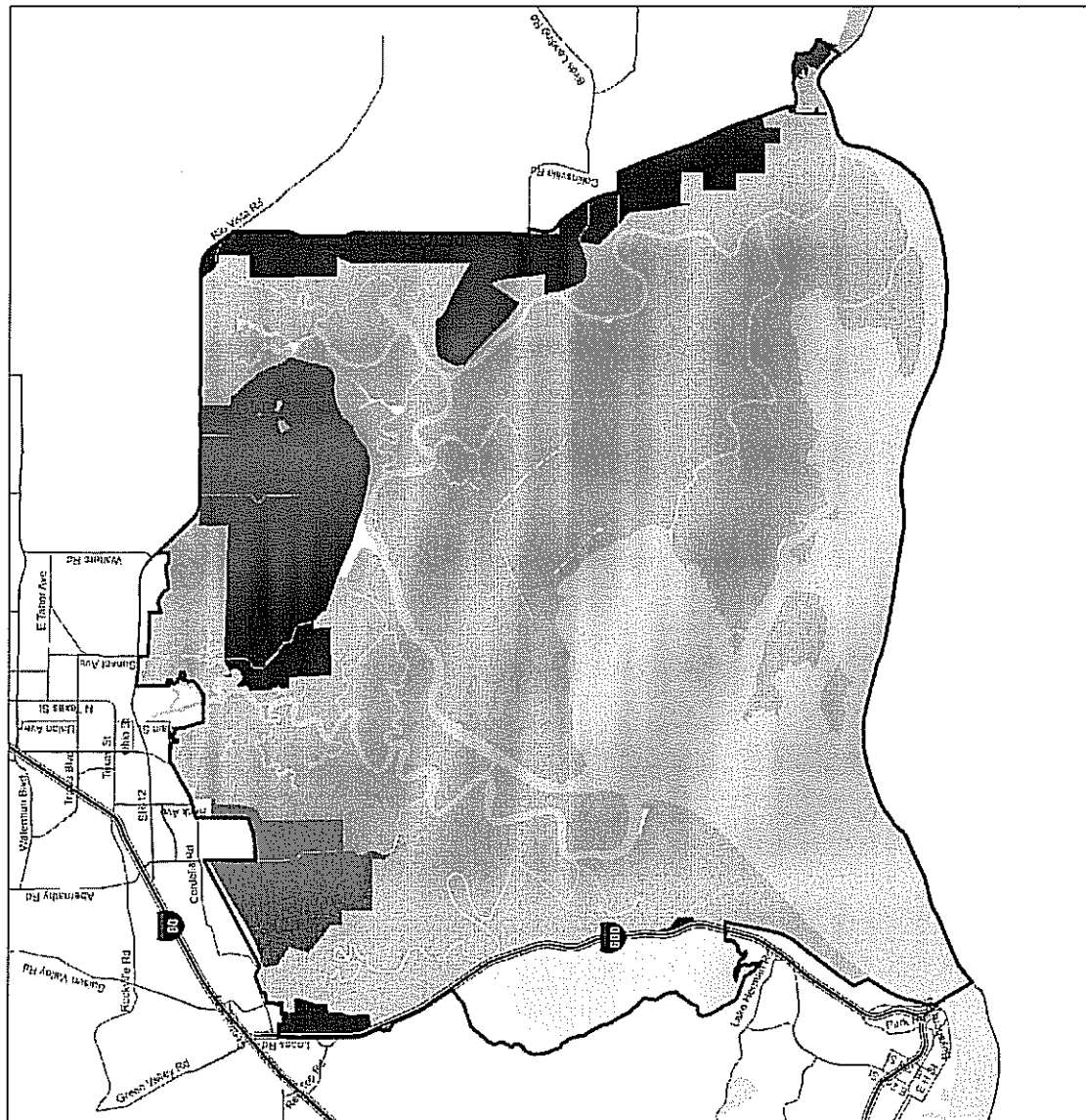
-  Fast-track Traditional Community FT-1C-A (4000 sqft min.)

**Resource Conservation**

-  Marsh Preservation MP (20 acre min.)

**Commercial & Industrial**

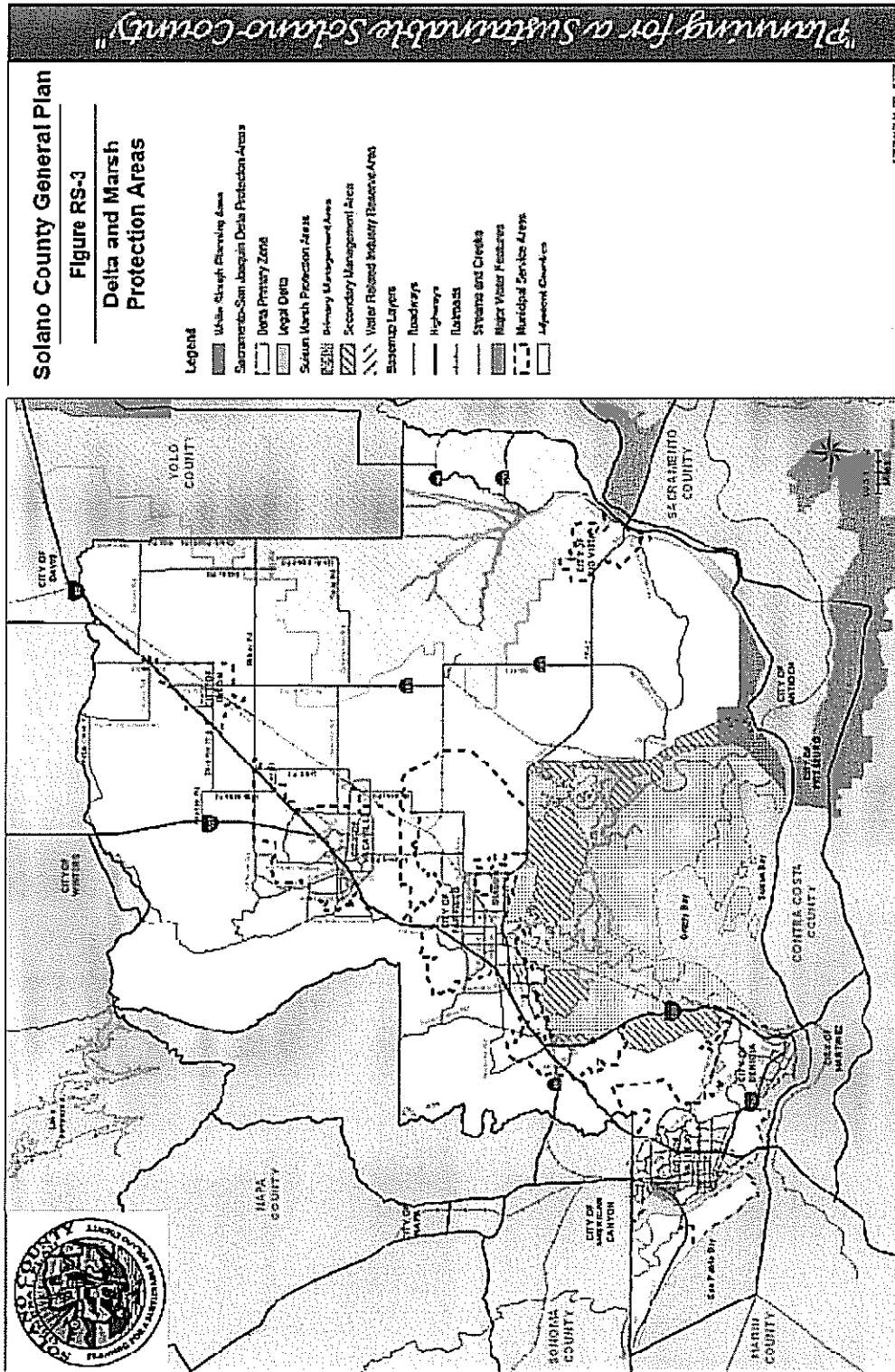
-  West Dependent Industrial T20\*
-  Commercial Recreation Limited T20L\*
-  General Manufacturing M2.3 (1/2 acre min.)
-  General Manufacturing M3.3 (3 acre min.)



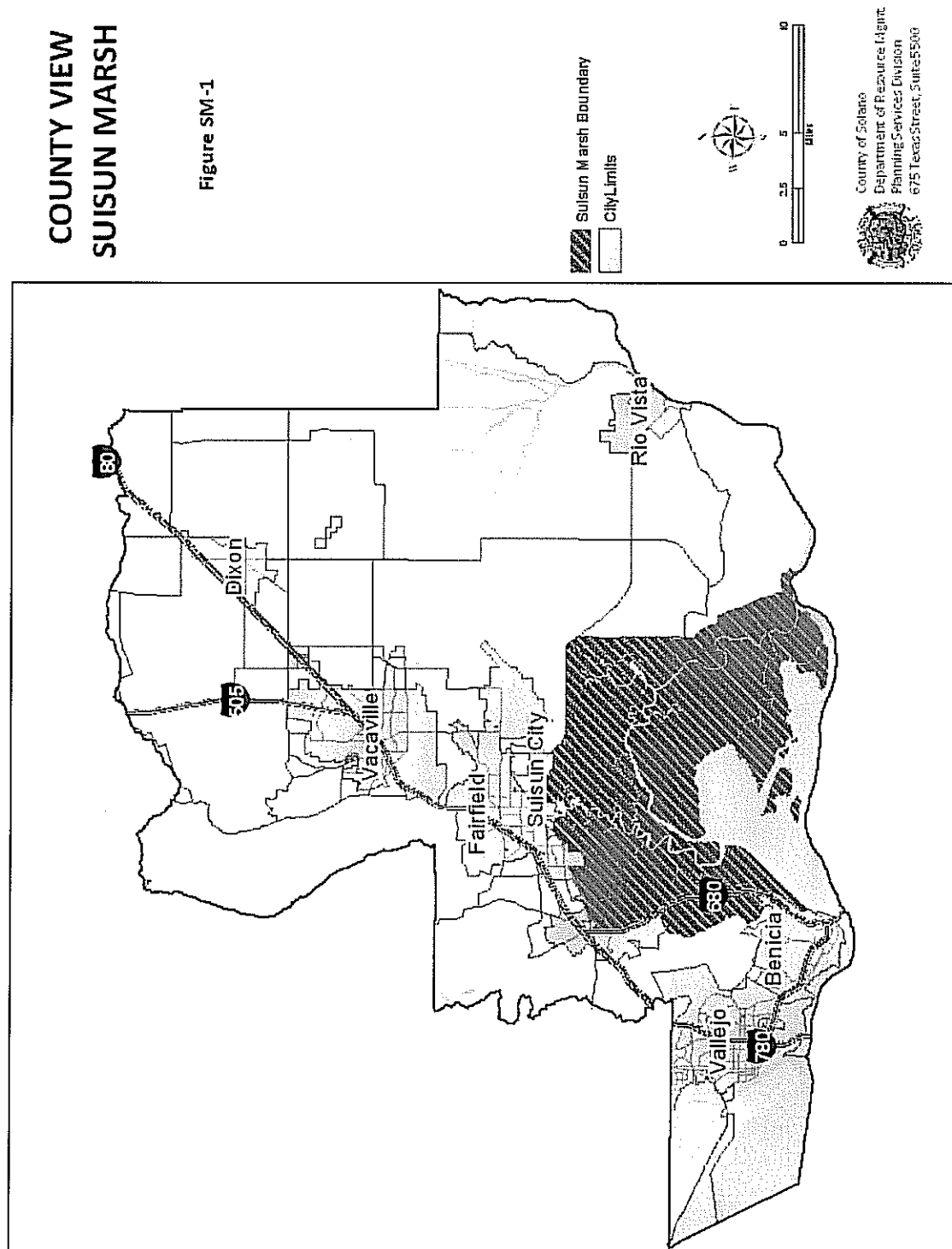
County of Solano  
Department of Resource Mgmt.  
Planning Services Division  
675 Texas Street, Suite 3500  
Fairfield, CA 94533



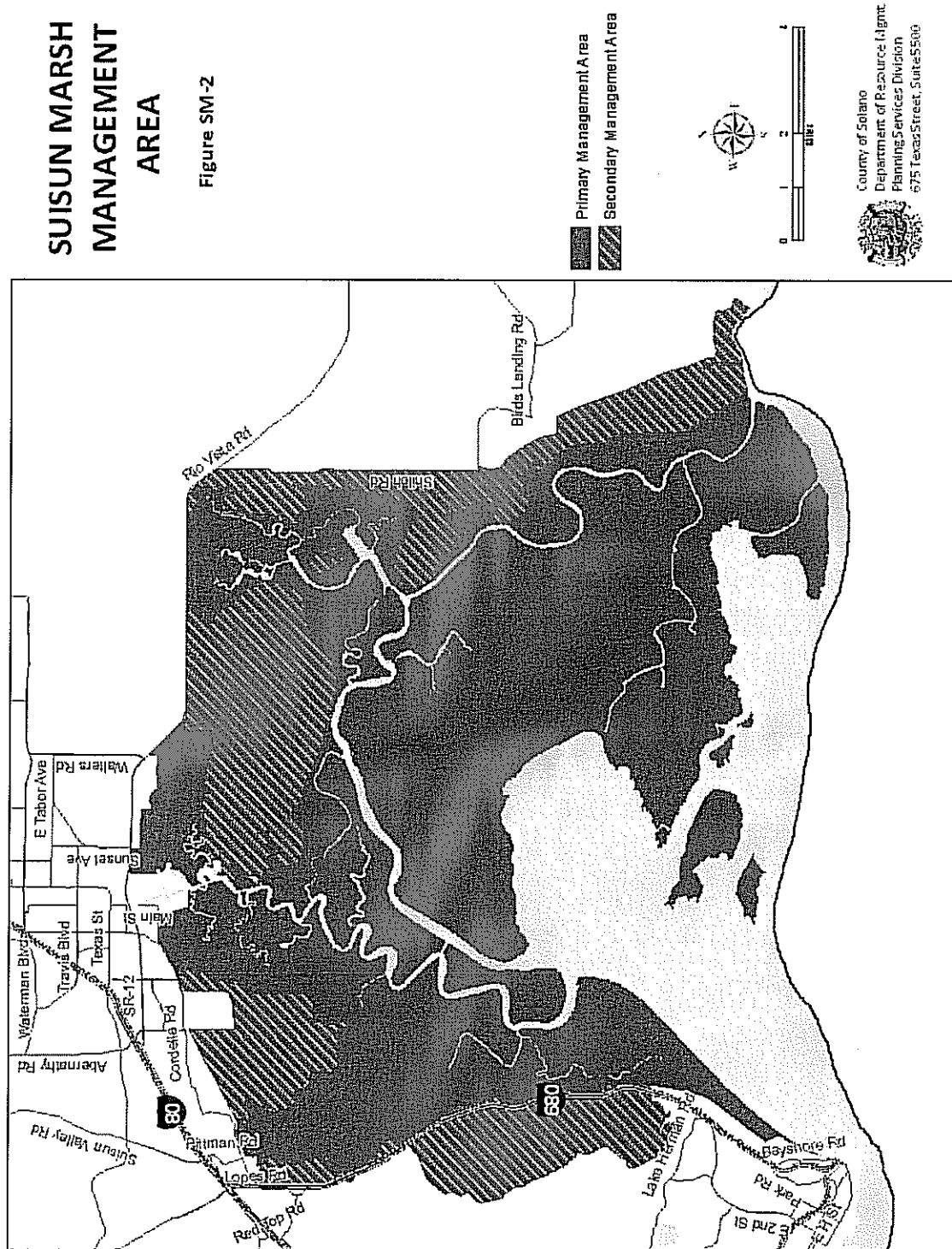
## 2. General Plan, Chapter 4, Figure RS-3



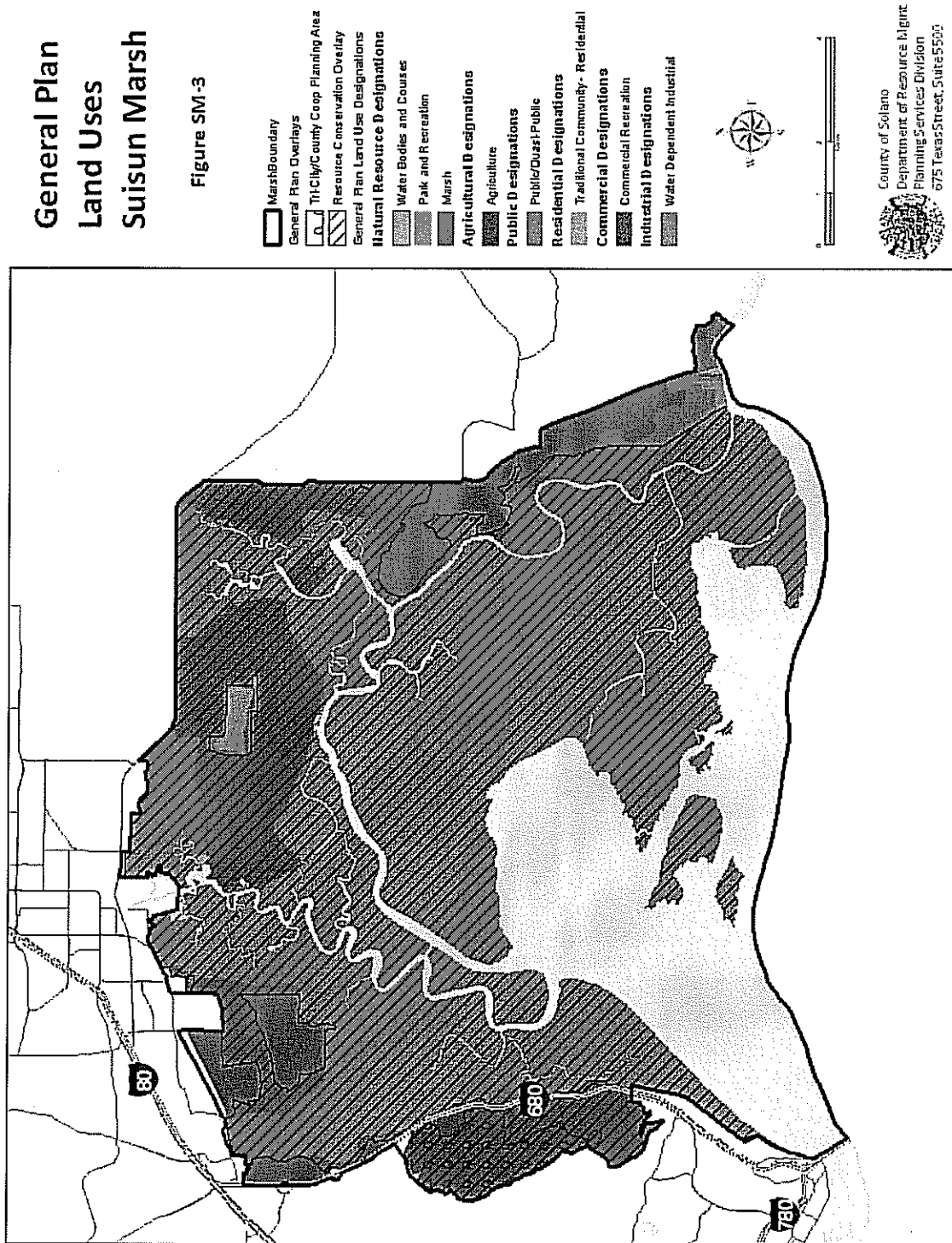
### 3. General Plan, Chapter 12, Figure SM-1



#### 4. General Plan, Chapter 12, Figure SM-2



## 5. General Plan, Chapter 12, Figure SM-3



## ADOPTED PROTECTED CHANNELS OF THE SUISUN MARSH WATERSHED

